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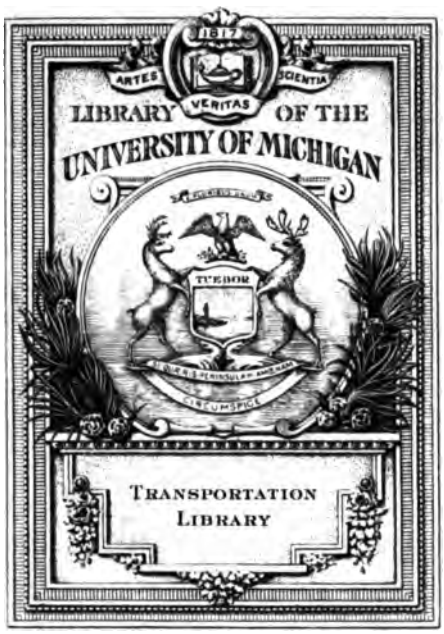
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LAWS

OF THE

State of New-York.

VOL. III.

Containing

ALL THE ACTS

Passed from the Revision of 1801, to the End of the 27th Session of the Legislature, 1804.

ALBANY:

PRINTED BY CHARLES R. AND GEORGE WEBSTER,

1804.

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OF T

STATE OF N

PASSED AT THE *TWENTY-FIFTH S*
BEGUN AND HELD AT THE CITY O

Counties an

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8. ——— Terms thereof.
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6, 10. Rights of the inhabitants.
12. St. Lawrence a part of the W
2. The town of Ofwegatchie ere
3. Liſbon.—4. Madrid.—5. Maſſ
16. Votes of this county to be retu

An ACT *to erect Part of this State*
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3 houſe of Nathan Ford ; and the
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6 III. *And be it further enacted*,
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7 IV. *And be it further enacted*
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IX. *And be it further enacted*,
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1. Boundaries of the Count
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4. Courts of Common Pleas
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8. Circuit Court & Court of
13. Contingent expences, ho
14. Conveyances, where to
11. Diſtrict Attorney.
9. Geneſee County, a part
12. Taxes heretofore aſſeſſed
15. Town of Northampton—
18. Batavia—and bo
10. Votes of this county to

An ACT *to erect Part of the*
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I. BE *it enacted by the Pe*
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ſed March 30th, 1802.

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IV. *And be it further enacted*,
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V. *And be it further enacted*,
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VII. *And be it further enacte*
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L A W S

OF THE

STATE OF NEW-YORK,

PASSED AT THE *TWENTY-FIFTH SESSION* OF THE LEGISLATURE, BEGUN AND HELD AT THE CITY OF ALBANY, JANUARY 26th, 1802.

Counties and Towns.

CHAP. XVI.

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15. Diſtrict Attorney.
13. Maſſena, a certain tract of land annexed to the town of.
6, 10. Rights of the inhabitants.
12. St. Lawrence a part of the Weſtern Diſtrict.
2. The town of Oſwegatchie erected.
3. Liſbon.—4. Madrid.—5. Maſſena.
16. Votes of this county to be returned to the Clerk of Oneida.

An ACT *to erect Part of this State into a County, by the Name of the County of St. Lawrence.*

Paſſed March 3d, 1802.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That all that tract of land, beginning in the line in the river St. Lawrence which divides the United States from the dominions of the king of Great-Britain, where the ſame is interſected by a continuation of the diviſion line of great lots number three and four of Macomb's purchaſe; thence running ſoutheaſterly along the ſaid line until it comes oppoſite to the weſterly corner of the townſhip of Cambray; then in a ſtraight line to the ſaid corner of Cambray; then along the rear lines of the ſaid townſhip of Cambray and the townſhips of D'Kalb, Canton, Potſdam and Stockholm, diſtinguiſhed on a

map of the ſaid townſhip and filed in the ſecretary's office, by the ſurveyor-general; then by a line to be continued in a direct courſe from the line of the ſaid townſhip of Stockholm until the ſame interſects the diviſion line of the great lots number one and two in Macomb's purchaſe; thence northerly along the ſame to the lands reſerved by the St. Regis Indians; then weſterly along the bounds thereof to the dominions of the king of Great-Britain; thence along the ſame to the place of beginning, ſhall be and hereby is erected into a ſeparate county, and ſhall be called and known by the name of St. Lawrence.

2 II. *And be it further enacted*, That all that part of the ſaid county lying weſtward of the boundary lines of the townſhips of Liſbon and Canton, as diſtinguiſhed on the map aforeſaid, ſhall be and hereby is erected into a town by the name of Oſwegatchie; and the firſt town meeting in the ſaid town ſhall be held at the
3 houſe of Nathan Ford; and the ſaid townſhips of Liſbon and Canton ſhall continue and remain one town by the name of Liſbon:
4 And that all that part of the ſaid county, known and diſtinguiſhed on the map aforeſaid, by the townſhips of Madrid and Potſdam, ſhall be and hereby is erected into a town by the name of Madrid; and the firſt town meeting in the ſaid town ſhall be held at the
5 houſe of Joſeph Edſell: And that all the remaining part of the ſaid county ſhall be and hereby is erected into a town by the name of Maſſena; and that the firſt town meeting in the ſaid town ſhall be held at the houſe of Amos Lay.

6 III. *And be it further enacted*, That the freeholders and inhabitants of the ſeveral towns erected or continued by this act, ſhall be and hereby are empowered to hold town meetings, and elect ſuch town officers as the freeholders and inhabitants of any town in this ſtate may do by law; and that the freeholders and inhabitants of the ſaid ſeveral towns, and the town officers to be by them elected reſpectively, ſhall have the like powers and privileges as the freeholders, inhabitants and town officers of any other town in this ſtate.

7 IV. *And be it further enacted*, That there ſhall be held in and for the ſaid county of St. Lawrence, a court of common pleas and general ſeſſions of the peace, and that there ſhall be two terms of the ſame courts in every year, to commence and end
8 as follows, that is to ſay: The firſt term of the ſaid court ſhall begin on the firſt Tueſday of June in every year, and may continue to be held until the Saturday following, incluſive; and the ſecond term of the ſaid court ſhall begin on the ſecond Tueſday of November in every year, and may continue to be held until the Saturday following, incluſive; And the ſaid courts of common pleas and general ſeſſions of the peace ſhall have the ſame juriſdiction, powers and authorities in the ſame county, as the courts of common pleas and general ſeſſions of the peace in the other counties of this ſtate have in their reſpective counties; *Provided always*, That nothing in this act contained ſhall be conſtrued to affect any ſuit or action already commenced, or that ſhall be commenced before the firſt Tueſday in June next, ſo as

to work a wrong or prejudice to any of the parties therein, or to affect any criminal or other proceedings on the part of the people of this ſtate, but all ſuch civil and criminal proceedings ſhall and may be proſecuted to trial, judgment and execution as if this act had never been paſſed.

V. *And be it further enacted*, That until legiſlative proviſion 9
be made in the premiſes, the ſaid courts of common pleas and general ſeſſions of the peace ſhall be held in the old barracks, ſo called in the ſaid town of Oſwegatchie, which ſhall be deemed in law the court houſe and gaol of the ſaid county of St. Lawrence.

VI. *And be it further enacted*, That the freeholders and inhabi- 10
tants of the ſaid county, ſhall have and enjoy within the ſame, all and every the ſaid rights, powers and privileges, as the freeholders and inhabitants of any other county in this ſtate are by law entitled to have and enjoy.

VII. *And be it further enacted*, That it ſhall not be the duty of 11
the juſtices of the ſupreme court to hold a circuit court in every year in the ſaid county, unleſs in their judgment they ſhall deem it proper and neceſſary, any law to the contrary notwithſtanding.

VIII. *And be it further enacted*, That the ſaid county of St. Law- 12
rence ſhall be conſidered as part of the weſtern diſtrict of this ſtate.

IX. *And be it further enacted*, That all the reſidue of the tract 13
of land lying between the diviſion lines aforeſaid of great lots number three and four, and of great lots number one and two, in Macomb's purchaſe and the north bounds of Totton and Crosfield's purchaſe, ſhall until further legiſlative proviſion in the premiſes, be conſidered as part of the town of Maſſena, in the ſaid county of St. Lawrence: And all that part of Macomb's
purchaſe, included in great diviſion number one, and the In- 14
dian reſervation at the St. Regis village, ſhall be annexed to and form part of the town of Chateaugay, in the county of Clinton.

X. *And be it further enacted*, That the ſaid county of St. Law- 15
rence ſhall be annexed to and become part of the diſtrict now compoſed of the counties of Herkimer, Otſego, Oneida and Chenango, as it reſpects all proceedings under the act entitled "An act relative to diſtrict attornies."

XI. *And be it further enacted*, That until other proviſion be 16
made by law, the inſpectors of election in the ſeveral towns in the ſaid county of St. Lawrence, ſhall return the votes taken at any election for governor, lieutenant-governor, ſenators, members of aſſembly and members of congreſs, to the clerk of the county of Oneida, to be by him eſtimated as a part of the aggregate number of votes given at ſuch election in the county of Oneida.

CHAP. LXIV.

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5, 7.——Terms thereof, when and where to be held.
8. Circuit Court & Court of Oyer and Terminer when to be held.
13. Contingent expences, how raiſed.
14. Conveyances, where to be recorded.
11. Diſtrict Attorney.
9. Geneſee County, a part of the Weſtern Diſtrict.
12. Taxes heretofore aſſeſſed, how recovered.
15. Town of Northampton—16. Southampton—17. Leiſter—18. Batavia—and boundaries thereof.
10. Votes of this county to be returned to the Clerk of Ontario.

An ACT *to erect Part of the County of Ontario into a separate County by the Name of Genesee.*

Paſſed March 30th, 1802.

I. BE *it enacted by the People of the State of New-York, repre-*
1 *ſented in Senate and Aſſembly*, That all that part of the ſtate of New-York ſituated weſt of the main ſtream of the Geneſee-river and a meridian line drawn from the great forks of ſaid river to the Pennſylvania line, (ſaid meridian being the weſtern boundary of the county of Steuben) ſhall be, and hereby is erected into a ſeparate county, and ſhall be called and known by the
2 name of Geneſee; *Provided nevertheless*, That the appointment and commiſſioning of the civil officers for ſaid county, and the exerciſe of the other incidental powers of a county, ſhall be and are hereby ſuſpended for one year from and after the paſſing of this act, and until Lemuel Chipman, John Thomſon and Richard M. Stoddard, or any two of them, ſhall certify under their hands and ſeals to the perſon adminiſtering the government of this ſtate,
3 that certain proprietors of lands in the ſaid county, known by the name of the Holland Land Company, have at their ſole expence erected a ſufficient and ſuitable building or buildings for a gaol and court houſe for ſaid county, and legally conveyed not leſs than one acre of land whereon the ſame are erected, together with the ſame buildings for the uſe of ſaid county.

4 II. *And be it further enacted*, That from and after the expiration of one year from the paſſing of this act, and from and after the commiſſioning and appointing of the ſaid officers of ſaid county as aforeſaid, there ſhall be held in and for the ſaid county of Geneſee, a court of common pleas and general ſeſſions of the peace, and that there ſhall be two terms of the ſaid courts in every year, to commence and end as follows, that is to ſay:

The firſt term of the ſaid court ſhall begin on the ſecond Tueſ- 5
day of June in every year, and may continue to be held until the Saturday following, incluſive; and the ſecond term of ſaid court ſhall begin on the ſecond Tueſday of November in every year, and may continue to be held until the Saturday following, incluſive; *Provided always*, That nothing in this act contained ſhall be conſtrued to affect any ſuit or action already commenced or that ſhall be commenced in any court of common pleas, or before any juſtice of the peace, before the holding of the firſt term of the ſaid courts of common pleas and general ſeſſions of the peace in the county hereby erected, ſo as to work a wrong or prejudice to any of the parties therein, or to affect any criminal or other proceedings on the part of the people of this ſtate; but all ſuch civil or criminal proceedings ſhall and may be proſecuted to trial, judgment and execution as if this act had never been paſſed.

III. *And be it further enacted*, That the ſaid court houſe and 6
gaol ſhall be erected at or near the great bend of the Tonnawon-
ta-creek, at the village called Batavia, and that the ſaid courts 7
of common pleas and general ſeſſions of the peace ſhall be held therein at the firſt court to be held in the county of Geneſee, after the appointing and commiſſioning the civil officers of ſaid county; which ſaid court houſe and gaol, when erected, ſhall be deemed in law the court houſe and gaol of the ſaid county of Geneſee.

IV. *And be it further enacted*, That no circuit court or courts 8
of oyer and terminer and general gaol delivery ſhall be held in and for ſaid county until the ſame ſhall in the opinion of the juſtices of the ſupreme court become neceſſary.

V. *And be it further enacted*, That the ſaid county of Geneſee 9
ſhall be conſidered as part of the weſtern diſtrict of this ſtate,
and until other proviſion be made by law the inſpectors of elec- 10
tion in the ſeveral towns in the county of Geneſee ſhall return the votes taken at any election for governor, lieutenant-governor, ſenators, members of aſſembly and repreſentatives in congreſs, to the clerk of the county of Ontario, to be by him eſtimated as part of the aggregate number of votes given at ſuch election in the county of Ontario.

VI. *And be it further enacted*, That the ſaid county of Geneſee, 11
ſhall be annexed to and become part of the diſtrict now compoſed of the counties of Onondaga, Cayuga, Tioga, Steuben and Ontario, as it reſpects all proceedings under the act, entitled "An act relative to diſtrict attornies."

VII. *And be it further enacted*, That all taxes heretofore aſ- 12
ſeſſed in the county of Geneſee, ſhall be recovered in like man-
ner as if this act had never been paſſed; and that the ſuperviſors 13
of the county of Ontario, in conjunction with the ſuperviſor or ſuperviſors of the county of Geneſee, ſhall have the like power, until the county of Geneſee is organiſed as aforeſaid, to raiſe all ſuch ſums of money for the contingent expences of the ſaid county of Geneſee and the county of Ontario, as if this act had not been paſſed.

14 VIII. *And be it further enacted*, That until the holding the ſaid firſt term of common pleas and general ſeſſions of the peace of the ſaid county of Geneſee as aforeſaid, all deeds, mortgages and other conveyances, relating to real property ſituate in the ſaid county of Geneſee, ſhall be recorded in the clerk's office of the county of Ontario.

15 IX. *And be it further enacted*, That from and after the day preceding the firſt Tueſday in March next, all that part of the ſaid county of Geneſee, beginning at a point in the diviſion line between the United States and the dominions of the king of Great-Britain due north of the mouth of Geneſee-river; thence running ſouth to the mouth of ſaid river; thence up the ſaid river to the northeaſt corner of number one in the firſt range of Gorham and Phelps's purchaſe, on the weſt ſide of ſaid river; thence weſt to the eaſt tranſit line run by Joſeph and Benjamin Ellicott, in 1798; thence north to the ſaid boundary line in lake Ontario; thence eaſtwardly along ſaid line to the place of beginning, ſhall be and remain a town by the name of Northampton, and the next town meeting in the ſaid town ſhall be held on the firſt Tueſday in March next, at the houſe of Joſiah Fiſh.

16 X. *And be it further enacted*, That from and after the day preceding the ſaid firſt Tueſday in March next, all that part of the ſaid county of Geneſee, beginning at the ſoutheaſt corner of the town of Northampton, and running thence ſoutherly up the ſaid river to the northweſt corner of number nine in the ſeventh range on the eaſt ſide of ſaid river; thence weſt to the eaſt tranſit line run by Joſeph and Benjamin Ellicott, in 1798; thence north to the ſouth bounds of the town of Northampton; thence eaſt to the place of beginning, ſhall be and hereby is erected into a town by the name of Southampton, and the firſt town meeting ſhall be held on the firſt Tueſday in March next, at the houſe of Captain Curtis.

17 XI. *And be it further enacted*, That from and after the day preceding the firſt Tueſday in March next, all that part of the ſaid county of Geneſee, beginning at the ſoutheaſt corner of the ſaid town of Southampton, and running thence weſt to the eaſt tranſit line run by Joſeph and Benjamin Ellicott, in 1798; thence ſouth to the north boundary of Pennſylvania; thence eaſt to the ſouthweſt corner of Phelps and Gorham's purchaſe; thence north to the confluence of the Shanahaſquaicon-creek with the waters of Geneſee-river; thence down the ſame to the place of beginning, ſhall be and hereby is erected into a town by the name of Leiſter; and the firſt town meeting in the ſaid town ſhall be held on the
18 firſt Tueſday in March next, at the houſe of Joſeph Smith; and that all the remaining part of the ſaid county ſhall, from and after the day preceding the firſt Tueſday in March next, be and hereby is erected into a town by the name of Batavia, and the firſt town meeting ſhall be held on the firſt Tueſday in March next, at the houſe of Peter Van Deventer.

Towns.

CHAP. VI.

Contents.

1. The town of Verona erected.—2. The town of Vernon.

An ACT *for dividing the Towns of Westmoreland and Augusta, in the County of Oneida.*

Passed 17th February, 1802.

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That from and after the first 1
Monday in March next, all that part of the town of Westmoreland bounded northwesterly and westerly by the bounds of the said town, easterly by the original line of the Oneida reservation, and southerly by a line drawn from the southeast corner of lot number two hundred and five, to the southwest corner of lot number one hundred and ninety-nine, in the late Oneida reservation, and thence continued to the junction of Schenondehois with the Oneida-creek, shall be and hereby is erected into a separate town by the name of Verona; and all the residue of the said town of 2
Westmoreland, situate westerly of the said original line of the reservation with that part of the town of Augusta, situate northerly of a line drawn from the southeast corner of lot number two hundred and forty-six, to the southwest corner of lot number two hundred and thirty-nine, and thence continued in the same direction to the said Oneida-creek, shall be, from and after the said first Monday in March next, erected into a separate town by the name of Vernon; which said towns so erected, shall have the like powers and privileges as other towns in the state by law possess and enjoy; and the first town meeting in the said town of Verona shall be holden at the house of Martin Langdon; and the first town meeting in the said town of Vernon, shall be holden at the house of David Tuttle.

CHAP. IX.

Contents.

1. The town of Williamson erected from part of Sodus.
2. Remainder of Sodus to continue a separate town.
3. Supervisors and overseers of the poor, their duty.

An ACT *for dividing the Town of Sodus, in the County of Ontario.*

Passed February 20th, 1802.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That from and after the first 1
Monday of March next, all that part of the town of Sodus, in the county of Ontario, comprehended within the townships number

thirteen and fourteen in the ſecond range, and townſhips number thirteen and fourteen in the third range of townſhips, be and hereby is erected into a ſeparate town by the name of Williamſon; and that the firſt town meeting be held at the dwelling houſe of Timothy Smith, in ſaid town.

2 II. *And be it further enacted*, That all the remaining part of the town of Sodus, ſhall be and remain a ſeparate town by the name of Sodus, and that the next town meeting ſhall be held at the dwelling houſe of Oliver Kendal, in ſaid town.

3 III. *And be it further enacted*, That as ſoon as may be after the firſt Tueſday in March next, the ſuperviſors and overſeers of the poor of the ſaid towns of Sodus and Williamſon, on notice being firſt given for that purpoſe, ſhall meet together and divide the money and the poor belonging to the town of Sodus, previous to the diviſion thereof, agreeable to the laſt ſtate tax liſt, and that each of the ſaid towns ſhall for ever thereafter reſpectively maintain their own poor.

CHAP. XIII.

Contents.

1. The town of Locke erected from a part of Milton.
2. The remainder of Milton to continue a ſeparate town.
3. Superviſors and overſeers of the poor, their duty.

An ACT *to divide the Town of Milton, in the County of Cayuga.*

Paſſed February 20th, 1802.

I. BE *it enacted by the People of the State of New-York, repre-*
1 *ſented in Senate and Aſſembly*, That from and after the firſt Monday in March next, all that part of the town of Milton in the county of Cayuga, known by the name of Locke, and diſtinguiſhed on the map of the ſurveyor-general of the ſtate, as will appear on record in the ſecretary's office, ſhall be and is hereby erected into a ſeparate town by the name of Locke, and the firſt town meeting in the ſaid town of Locke ſhall be held at the
2 dwelling houſe of James Cook in ſaid town; and that all the remaining part of the town of Milton ſhall be and remain a ſeparate town by the name of Milton, and the next annual town meeting of ſaid town of Milton ſhall be held at the place where the laſt town meeting ſhall have been held.

3 II. *And be it further enacted*, That as ſoon as may be after the firſt Tueſday in March next, the ſuperviſors and overſeers of the poor of the ſaid towns of Milton and Locke, on notice being firſt given by the ſaid ſuperviſors for that purpoſe, ſhall meet together and divide the money and the poor belonging to the town of Milton, previous to the diviſion thereof, agreeable to the laſt ſtate tax liſt, and that each of the ſaid towns ſhall for ever thereafter reſpectively maintain their own poor.

CHAP. XIV.

Contents.

1. The town of Chesterfield erected from part of Willsborough.
2. Remainder of Willsborough to continue a separate town.
3. Supervisors and overseers of the poor, their duty.

An ACT *for dividing the Town of Willsborough, in the County of Essex.*

Passed February 20th, 1802.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That from and after the first Monday of April next, all that part of the town of Willsborough in the county of Essex, within the following bounds, to wit: Beginning at a tree called the twelve mile tree, being the southeast corner of the town of Jay; thence northerly on the heighth of land until it strikes the south line of Clinton county; thence easterly on the south line of said county as far as the county of Essex extends; thence southerly on the east line of said county until it comes opposite the north shore of the bay of Peru; thence to the north shore; thence on the shore to Howard's brook, and thence westerly to the place of beginning, be and hereby is erected into a separate town by the name of Chesterfield, and the first town meeting shall be held at the dwelling house of Isaac Wright, innkeeper in said town. 1

II. *And be it further enacted*, That all the remaining part of the town of Willsborough, shall be and remain a separate town by the name of Willsborough, and the first town meeting shall be held at the dwelling house of Jonathan Lynde, in said town. 2

III. *And be it further enacted*, That as soon as may be after the first Tuesday of April next, the overseers of the poor and the supervisors of the said towns shall, after due notice being given for that purpose by the supervisors of the said towns, meet together and apportion the money and poor belonging to the said town of Willsborough, previous to the division thereof, agreeable to the last state tax list; and that each of the said towns shall for ever thereafter respectively support their own poor. 3

CHAP. XVIII.

Contents.

1. Town of Malta erected from part of Stillwater.
2. Remainder of Stillwater to continue a separate town.
3. Supervisors and overseers of the poor, their duty.

An ACT *to erect a Town in the County of Saratoga, by the Name of Malta.*

Passed March 3d, 1802.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That all that part of the town 1

of Stillwater, in the county of Saratoga, comprehended within the following bounds, to wit: Beginning on the ſouth bounds of the town of Stillwater at a place where a ſmall creek known by the name of Dwaſs-kill empties into Anthony's kill; thence northerly on a ſtraight line to a place where the moſt eaſterly ſmall creek empties into the ſouth end of the Saratoga-lake; thence northweſterly to the ſouth bounds of the town of Saratoga; thence weſterly along the ſouth bounds of the ſaid town of Saratoga to the eaſterly bounds of the town of Milton; thence ſouth along the eaſterly bounds of the ſaid town of Milton to the northeaſt bounds of the town of Ballſtown; thence ſoutherly on the eaſt bounds of the town of Ballſtown to the ſoutheaſt bounds thereof; thence eaſterly on the ſouth bounds of the town of Stillwater, to the place of beginning, ſhall be and hereby is erected into a ſeparate town by the name of Malta; and that the firſt town meeting in the ſaid town of Malta, ſhall be held at the dwelling houſe
2 of Michael Dunning junior, in ſaid town; and that all the remaining part of the town of Stillwater, ſhall be and remain a ſeparate town by the name of Stillwater, and the next town meeting in the ſaid town ſhall be held at the place to which the ſame now ſtands adjourned.

3 II. *And be it further enacted*, That as ſoon as may be after the firſt Tueſday of April next, the ſuperviſors and overſeers of the poor of the ſaid towns of Stillwater and Malta, ſhall by notice for that purpoſe by them given, meet together and divide the money and poor belonging to the ſaid town of Stillwater previous to the paſſing of this act, among the ſaid towns of Stillwater and Malta, agreeably to the laſt ſtate tax liſt; and that each of the ſaid towns ſhall for ever thereafter reſpectively maintain its own poor.

CHAP. XXVIII.

Contents.

Barren-Iſland in Kings county annexed to the town of Flatlands.

An ACT *relative to Barren-Island in Kings County.*

Paſſed March 8th, 1802.

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the Iſland commonly called Barren-Iſland, in Kings county, lying on the ſouth ſide of the town of Flatlands, bounded eaſterly by the inlet which ſeparates it from Rockaway beach, ſoutherly by the Atlantic ocean, weſterly by the inlet that ſeparates it from Plumb beach, and northerly by a narrow creek that ſeparates it from the marſh lying ſouth of the ſaid town of Flatlands, ſhall be, and the ſame is hereby annexed to the aforeſaid town of Flatlands.

CHAP. LIX.

Contents.

1. Town of Hartwick erected from part of Otsego.
2. Remainder of Otsego to continue a separate town.
3. Supervisors and overseers of the poor, their duty.

An ACT *to divide the Town of Otsego, in the County of Otsego.*

Passed March 30th, 1802.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That from and after the first Tuesday in February next, all that part of the town of Otsego, in the county of Otsego, being part of Hartwick's patent, bounded as follows, to wit: Beginning at the northeast corner of a lot distinguished on a map of said patent made by William Ellison, by lot number forty-eight, on the west bank of the Susquehannah-river, and running from thence, on the north line of said lot number forty-eight and lot number forty, to the northeast corner of lot number thirty-two; from thence north two degrees west, to the north bounds of said patent; from thence along the north bounds of said patent, to the northwest corner thereof; from thence along the west bounds of said patent, to the southwest corner thereof; from thence along the south bounds thereof, to the Susquehannah-river; thence up the said river to the place of beginning, shall be and hereby is erected into a separate town, by the name of Hartwick; and that the first town meeting be held at the house of Joseph Lippett, in said town; that all the remaining part of the town of Otsego, shall be and continue a town by the name of Otsego; and that the first town meeting be held at the court house, in the village of Cooperstown, in said town.

II. *And be it further enacted*, That as soon as may may be after the first Tuesday in May, one thousand eight hundred and three, the supervisors and overseers of the poor of the towns aforesaid, shall by notice to be given for that purpose by the supervisors thereof, meet together and apportion the poor maintained by the said town of Otsego, and the poor money belonging to the same, previous to the division thereof, according to the last state tax list; and that each of the said towns shall thereafter respectively maintain their own poor.

CHAP. LXII.

Contents.

1. Town of Hector erected from part of Ovid.
2. Remainder of Ovid to continue a separate town.
3. Supervisors and overseers of the poor, their duty.

An ACT *to divide the Town of Ovid, in the County of Cayuga.*

Passed March 30th, 1802.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That from and after the last day in

of Stillwater, in the county of Saratoga, comprehended within the following bounds, to wit: Beginning on the ſouth bounds of the town of Stillwater at a place where a ſmall creek known by the name of Dwaſs-kill empties into Anthony's kill; thence northerly on a ſtraight line to a place where the moſt eaſterly ſmall creek empties into the ſouth end of the Saratoga-lake; thence northweſterly to the ſouth bounds of the town of Saratoga; thence weſterly along the ſouth bounds of the ſaid town of Saratoga to the eaſterly bounds of the town of Milton; thence ſouth along the eaſterly bounds of the ſaid town of Milton to the northeaſt bounds of the town of Ballſtown; thence ſoutherly on the eaſt bounds of the town of Ballſtown to the ſoutheaſt bounds thereof; thence eaſterly on the ſouth bounds of the town of Stillwater, to the place of beginning, ſhall be and hereby is erected into a ſeparate town by the name of Malta; and that the firſt town meeting in the ſaid town of Malta, ſhall be held at the dwelling houſe
2 of Michael Dunning junior, in ſaid town; and that all the remaining part of the town of Stillwater, ſhall be and remain a ſeparate town by the name of Stillwater, and the next town meeting in the ſaid town ſhall be held at the place to which the ſame now ſtands adjourned.

3 II. *And be it further enacted*, That as ſoon as may be after the firſt Tueſday of April next, the ſuperviſors and overſeers of the poor of the ſaid towns of Stillwater and Malta, ſhall by notice for that purpoſe by them given, meet together and divide the money and poor belonging to the ſaid town of Stillwater previous to the paſſing of this act, among the ſaid towns of Stillwater and Malta, agreeably to the laſt ſtate tax liſt; and that each of the ſaid towns ſhall for ever thereafter reſpectively maintain its own poor.

CHAP. XXVIII.

Contents.

Barren-Iſland in Kings county annexed to the town of Flatlands.

An ACT *relative to Barren-Island in Kings County.*

Paſſed March 8th, 1802.

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the Iſland commonly called Barren-Iſland, in Kings county, lying on the ſouth ſide of the town of Flatlands, bounded eaſterly by the inlet which ſeparates it from Rockaway beach, ſoutherly by the Atlantic ocean, weſterly by the inlet that ſeparates it from Plumb beach, and northerly by a narrow creek that ſeparates it from the marſh lying ſouth of the ſaid town of Flatlands, ſhall be, and the ſame is hereby annexed to the aforeſaid town of Flatlands.

CHAP. LIX.

Contents.

1. Town of Hartwick erected from part of Otsego.
2. Remainder of Otsego to continue a separate town.
3. Supervisors and overseers of the poor, their duty.

An ACT *to divide the Town of Otsego, in the County of Otsego.*

Passed March 30th, 1802.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That from and after the first Tues- 1
day in February next, all that part of the town of Otsego, in the county of Otsego, being part of Hartwick's patent, bounded as follows, to wit: Beginning at the northeast corner of a lot distinguished on a map of said patent made by William Ellison, by lot number forty-eight, on the west bank of the Susquehannah-river, and running from thence, on the north line of said lot number forty-eight and lot number forty, to the northeast corner of lot number thirty-two; from thence north two degrees west, to the north bounds of said patent; from thence along the north bounds of said patent, to the northwest corner thereof; from thence along the west bounds of said patent, to the southwest corner thereof; from thence along the south bounds thereof, to the Susquehannah-river; thence up the said river to the place of beginning, shall be and hereby is erected into a separate town, by the name of Hartwick; and that the first town meeting be held at the house of Joseph Lippett, in said town; that all the remaining part of the town of Ot- 2
sego, shall be and continue a town by the name of Otsego; and that the first town meeting be held at the court house, in the village of Cooperstown, in said town. 3

II. *And be it further enacted*, That as soon as may may be after the first Tuesday in May, one thousand eight hundred and three, the supervisors and overseers of the poor of the towns aforesaid, shall by notice to be given for that purpose by the supervisors thereof, meet together and apportion the poor maintained by the said town of Otsego, and the poor money belonging to the same, previous to the division thereof, according to the last state tax list; and that each of the said towns shall thereafter respectively maintain their own poor.

CHAP. LXII.

Contents.

1. Town of Hector erected from part of Ovid.
2. Remainder of Ovid to continue a separate town.
3. Supervisors and overseers of the poor, their duty.

An ACT *to divide the Town of Ovid, in the County of Cayuga.*

Passed March 30th, 1802.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That from and after the last day in 1

February next, all that part of the town of Ovid in the county of Cayuga, known by the name of Hector, and ſo diſtinguiſhed on the map of the ſurveyor-general of this ſtate on record in the ſecretary's office, ſhall be and hereby is erected into a ſeparate town by the name of Hector, and the firſt town meeting in the ſaid town of Hector ſhall be held at the dwelling houſe of Grover Smith, in
2 ſaid town; and that all the remaining part of the ſaid town of Ovid, ſhall be and remain a ſeparate town by the name of Ovid, and the next annual town meeting in the ſaid town of Ovid ſhall be held at the uſual place of holding town meetings.

3 II. *And be it further enacted*, That as ſoon as may be, after the firſt Tueſday in March, in the year one thouſand eight hundred and three, the ſupervisors and overſeers of the poor of the ſaid towns of Ovid and Hector, on notice being firſt given by ſaid ſupervisors for that purpoſe, ſhall meet together, and divide the money and the poor belonging to the ſaid town of Ovid, previous to the diviſion thereof, agreeable to the laſt ſtate tax liſt; and that each of the ſaid towns ſhall for ever thereafter reſpectively ſupport their own poor.

CHAP. LXXVII.

Contents.

1. Town of Cato erected from part of Aurelius.
2. Owaſco——3. Jefferſon——4. Brutus, from the ſame.
5. Reſidue of Aurelius to continue a ſeparate town.
6. Supervisors and overſeers of the poor, their duty.

An ACT *to divide the Town of Aurelius, in the County of Cayuga.*

Paſſed March 30th, 1802.

I. BE *it enacted by the People of the State of New-York, represented*
1 *in Senate and Assembly*, That from and after the laſt day of February next, all that part of the town of Aurelius, lying north of the Seneca-river, ſhall be, and is hereby erected into a ſeparate town by the name of Cato; and the firſt town meeting ſhall be held
2 at the houſe of Iſrael Wolverton, in ſaid town; that all that part of the town of Aurelius, lying eaſt of a line drawn from where the ſouth bounds of the town interſected the waters of the Owaſco-lake; thence following the waters of ſaid lake until they interſect the ſouth bounds of lot number forty-ſeven in the townſhip of Aurelius; thence eaſt to the eaſt bounds of the county of Cayuga, ſhall be, and is hereby erected into a ſeparate town by the name of Owaſco; and the firſt town meeting ſhall be held at the houſe
3 of Moſes Co.twright ſenior, in ſaid town; that all that part of the town of Aurelius, lying weſt of the town of Brutus, herein after named, ſouth and eaſt of the Seneca-river, and north of the north bounds of lots number twenty-one, twenty-two, twenty-three, twenty-four and twenty-five in the late Cayuga reſervation, and north of the north bounds of lots number twenty-four, twenty-five and

twenty-ſix in the townſhip of Aurelius, ſhall be, and is hereby erected into a ſeparate town, by the name of Jefferſon; and the firſt town meeting ſhall be held at the houſe of Ezekiel Crane, in ſaid town; that all that part of the town of Aurelius, lying north 4
of the ſaid town of Owaſco, weſt of the county of Onondaga, ſouth of the Seneca-river, and eaſt of lots number fifty, ſixty-three, ſeventy-four, eighty-five and ninety-five in the townſhip of Brutus, and eaſt of lots number five, ſixteen, twenty-ſix, thirty-eight and forty-ſeven in the townſhip of Aurelius, ſhall be, and is hereby erected into a ſeparate town, by the name of Brutus; and the firſt town meeting ſhall be held at the houſe of Thomas Wright, in ſaid town; and that all the reſidue of the town of Aurelius, ſhall be and 5
remain a ſeparate town, by the name of Aurelius; and the firſt town meeting ſhall be held at the houſe of Henry Moore, in ſaid town.

II. *And be it further enacted*, That as ſoon as may be after the 6
firſt Tueſday of March next, the ſuperviſors and overſeers of the poor of the aforeſaid towns, on notice being previouſly given by ſaid ſuperviſors for that purpoſe, ſhall meet and divide the poor money belonging to the ſaid town of Aurelius, previous to the diviſion thereof, agreeable to the laſt ſtate tax liſt, and that each of the ſaid towns ſhall for ever thereafter reſpectively ſupport their own poor.

CHAP. XCIII.

Contents.

1. Town of Brownville erected from part of Leyden.
2. Adams, from a part of Mexico.
3. Rutland, from a part of Watertown.
4. Leyden——5. Mexico——6. Watertown—remaining parts of each to continue ſeparate towns.

An ACT *to divide the Towns of Leyden, Watertown and Mexico, in the County of Oneida.*

Paſſed April 1ſt, 1802.

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That from and after the laſt day of 1
February next, all that part of the town of Leyden, beginning at the northweſterly corner of the town of Champion; thence north forty-five degrees eaſt, to the ſouthweſterly bounds of the county of St. Lawrence; thence northweſterly along the ſame to the river St. Lawrence; thence ſouthweſterly up ſaid river and lake Ontario, to the mouth or outlet of Black-river; thence eaſterly up ſaid Black-river, to the place of beginning, ſhall be erected into a town by the name of Brownville; and that the firſt town meeting be held at the houſe of Jacob Brown in ſaid town; That 2
all that part of the town of Mexico, known by townſhips number ſeven and eight, bounded northeaſterly by the town of Watertown,

February next, all that part of the town of Ovid in the county of Cayuga, known by the name of Hector, and ſo diſtinguiſhed on the map of the ſurveyor-general of this ſtate on record in the ſecretary's office, ſhall be and hereby is erected into a ſeparate town by the name of Hector, and the firſt town meeting in the ſaid town of Hector ſhall be held at the dwelling houſe of Grover Smith, in
2 ſaid town; and that all the remaining part of the ſaid town of Ovid, ſhall be and remain a ſeparate town by the name of Ovid, and the next annual town meeting in the ſaid town of Ovid ſhall be held at the uſual place of holding town meetings.

3 II. *And be it further enacted*, That as ſoon as may be, after the firſt Tueſday in March, in the year one thouſand eight hundred and three, the ſupervifors and overſeers of the poor of the ſaid towns of Ovid and Hector, on notice being firſt given by ſaid ſupervifors for that purpoſe, ſhall meet together, and divide the money and the poor belonging to the ſaid town of Ovid, previous to the diviſion thereof, agreeable to the laſt ſtate tax liſt; and that each of the ſaid towns ſhall for ever thereafter reſpectively ſupport their own poor.

CHAP. LXXVII.

Contents.

1. Town of Cato erected from part of Aurelius.
2. Owaſco——3. Jefferſon——4. Brutus, from the ſame.
5. Reſidue of Aurelius to continue a ſeparate town.
6. Supervifors and overſeers of the poor, their duty.

An ACT *to divide the Town of Aurelius, in the County of Cayuga.*

Paſſed March 30th, 1802.

1 I. BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That from and after the laſt day of February next, all that part of the town of Aurelius, lying north of the Seneca-river, ſhall be, and is hereby erected into a ſeparate town by the name of Cato; and the firſt town meeting ſhall be held
2 at the houſe of Iſrael Wolverton, in ſaid town; that all that part of the town of Aurelius, lying eaſt of a line drawn from where the ſouth bounds of the town interſected the waters of the Owaſco-lake; thence following the waters of ſaid lake until they interſect the ſouth bounds of lot number forty-ſeven in the townſhip of Aurelius; thence eaſt to the eaſt bounds of the county of Cayuga, ſhall be, and is hereby erected into a ſeparate town by the name of Owaſco; and the firſt town meeting ſhall be held at the houſe
3 of Moſes Co.twright ſenior, in ſaid town; that all that part of the town of Aurelius, lying weſt of the town of Brutus, herein after named, ſouth and eaſt of the Seneca-river, and north of the north bounds of lots number twenty-one, twenty-two, twenty-three, twenty-four and twenty-five in the late Cayuga reſervation, and north of the north bounds of lots number twenty-four, twenty-five and

twenty-ſix in the townſhip of Aurelius, ſhall be, and is hereby erected into a ſeparate town, by the name of Jefferſon; and the firſt town meeting ſhall be held at the houſe of Ezekiel Crane, in ſaid town; that all that part of the town of Aurelius, lying north 4
of the ſaid town of Owaſco, weſt of the county of Onondaga, ſouth of the Seneca-river, and eaſt of lots number fifty, ſixty-three, ſeventy-four, eighty-five and ninety-five in the townſhip of Brutus, and eaſt of lots number five, ſixteen, twenty-ſix, thirty-eight and forty-ſeven in the townſhip of Aurelius, ſhall be, and is hereby erected into a ſeparate town, by the name of Brutus; and the firſt town meeting ſhall be held at the houſe of Thomas Wright, in ſaid town; and that all the reſidue of the town of Aurelius, ſhall be and 5
remain a ſeparate town, by the name of Aurelius; and the firſt town meeting ſhall be held at the houſe of Henry Moore, in ſaid town.

II. *And be it further enacted*, That as ſoon as may be after the 6
firſt Tueſday of March next, the ſuperviſors and overſeers of the poor of the aforeſaid towns, on notice being previouſly given by ſaid ſuperviſors for that purpoſe, ſhall meet and divide the poor money belonging to the ſaid town of Aurelius, previous to the diviſion thereof, agreeable to the laſt ſtate tax liſt, and that each of the ſaid towns ſhall for ever thereafter reſpectively ſupport their own poor.

CHAP. XCIII.

Contents.

1. Town of Brownville erected from part of Leyden.
2. Adams, from a part of Mexico.
3. Rutland, from a part of Watertown.
4. Leyden——5. Mexico——6. Watertown—remaining parts of each to continue ſeparate towns.

An ACT *to divide the Towns of Leyden, Watertown and Mexico, in the County of Oneida.*

Paſſed April 1ſt, 1802.

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That from and after the laſt day of 1
February next, all that part of the town of Leyden, beginning at the northweſterly corner of the town of Champion; thence north forty-five degrees eaſt, to the ſouthweſterly bounds of the county of St. Lawrence; thence northweſterly along the ſame to the river St. Lawrence; thence ſouthweſterly up ſaid river and lake Ontario, to the mouth or outlet of Black-river; thence eaſterly up ſaid Black-river, to the place of beginning, ſhall be erected into a town by the name of Brownville; and that the firſt town meeting be held at the houſe of Jacob Brown in ſaid town; That 2
all that part of the town of Mexico, known by townſhips number ſeven and eight, bounded northeaſterly by the town of Watertown,

ſhall be erected into a town by the name of Adams; and that the firſt town meeting be held at the houſe of Eliphalet Edmons in
3 ſaid town: That all that part of the town of Watertown, diſtinguiſhed by townſhip number three, ſhall be erected into a town by the name of Rutland, and that the firſt town meeting be held
4 at the houſe of David Coffeen in ſaid town; and that all the remaining part of the town of Leyden, ſhall be and remain a ſepa-
5 rate town by the name of Leyden; and that all the remaining part of the town of Mexico, ſhall be and remain a ſeparate town
6 by the name of Mexico; and that all the remaining part of the town of Watertown, ſhall be and remain a ſeparate town by the name of Watertown; and the next annual town meetings to be held in the ſaid towns of Leyden, Mexico and Watertown, ſhall be held at the places to which they reſpectively ſtand adjourned.

CHAP. LXXIV.

An ACT *to alter the Boundary Lines between the Towns of Queensbury and Fairfield, in the County of Washington.*

Paſſed March 30th, 1802.

WHEREAS it hath been repreſented to the legiſlature, that the preſent boundary line between the towns of Queenſbury and Fairfield, are inconvenient to the inhabitants reſiding on the eaſt ſide of the town of Fairfield: Therefore,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the paſſing of this act, the diviſion line between the ſaid towns ſhall be one mile weſt of where it now is, and that the north and ſouth lines of Queenſbury ſhall extend to the ſame.

City of Schenectady.

CHAP. LXXIX.

Contents.

9. Aſſeſſments for improving the ſtreets, how made.
10. ——— If not complied with, lots may be ſold.
11. ——— If inſufficient, further aſſeſſments may be made.
12. ——— Amount thereof to remain a lien on the lots aſſeſſed.
13. ——— May be recovered by action of debt.
15. ——— If paid by one perſon when by right they ſhould be paid by another, his remedy.
14. Agreement between individuals, this act not to affect.
16. Common Council inveſted with the powers of Com. of highways.
2. Expences of improving the ſtreets by whom borne.
4, 5. ——— How apportioned and recovered.
18. Mayor's power in granting licences, not abridged.

7. Penalties for neglect may be inflicted, not exceeding 25 dols.
1. Streets, Common Council to direct the mode of improvement.
3. Superintendants may be appointed by the Common Council.
6. ——— To take an oath.
8. Vacant Lots, owners thereof not complying with general regulations for paving, &c. how proceeded against.
17. Wards, 3d and 4th, to elect Supervisors and Com. of highways.

An ACT *for improving the Streets in the first and second Wards of the City of Schenectady, and for other Purposes therein mentioned.*

Passed March 30th, 1802.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall be lawful for the 1
mayor of the city of Schenectady, together with the aldermen and assistants of the first and second wards of the said city, or the major part of them, from time to time to convene in common council, and make and establish ordinances and regulations for pitching, levelling and paving or gravelling the streets, and the cutting in to any drain or sewer; and the altering, amending, 2
cleansing and scouring of any street, vault, sink or common sewer, within the same wards, by the owners or occupants of houses and lots intented to be benefited thereby; and to appoint one or 3
more discreet and skilful persons to superintend and prescribe the manner in which the aforesaid work shall be performed; and to 4
apportion the sum which shall or may be agreed to be paid to the said superintendant, in proportion as nearly as may be, to the advantages which each owner or occupant shall be deemed to acquire; and that the sums imposed on the said owners and occu- 5
pants respectively, by such apportionment, shall be recoverable of them in the name of the said superintendants, before any justice of the peace in and for the county of Albany; *And further*, That 6
the said superintendants shall, before they enter upon the execution of their offices, severally take and subscribe before the mayor of the said city an oath, well and truly to execute the duties of their offices without fear, favour or partiality, according to the ordinances and regulations to be made and established by the said mayor, aldermen and assistants, and shall file certificates thereof in the clerk's office of the said city.

II. *And be it further enacted*, That it shall be lawful for the said 7
mayor, aldermen and assistants, or the major part of them, to make bye laws, and inflict penalties, not exceeding twenty-five dollars, for every neglect, or to enforce obedience to such ordinances and regulations as they shall or may make, touching the aforesaid premises; which penalties shall be recoverable in the name of the treasurer of the said city, for the use of the said city, with costs of suit, in any court of record within this state.

III. *And be it further enacted*, That in case any lots in front 8
whereof the streets shall be directed to be pitched, levelled and paved or gravelled, or that shall be intended to be benefited by

cutting in to any drains and ſewers, or by altering, amending or cleanſing the ſame, ſhall be vacant, and the ſaid mayor, aldermen and aſſiſtants, or the major part of them, ſhall make any general regulations in any part of the ſaid firſt and ſecond wards, for the purpoſes aforeſaid, it ſhall be lawful for the ſaid mayor,
9 aldermen and aſſiſtants, or the major part of them, in caſe ſuch regulations ſhall not be complied with, to cauſe an eſtimate of the whole expence of conforming to ſuch regulations with reſpect to each lot, which the owner thereof ſhall refuſe or neglect to put in the order thereby required to be made, aſſeſſed and certified by three aſſeſſors, to be appointed by the ſaid mayor, aldermen and aſſiſtants, and the ſame being approved of by the ſaid mayor, aldermen and aſſiſtants, or the major part of them, they ſhall cauſe the ſame to be advertiſed in one of the public newſpapers printed in the ſaid city, and in one of the public newſpapers printed in the city of Albany, for ſix months, thereby requiring the owners of ſuch lots reſpectively to pay the ſum or ſums at which the ſaid lots ſhall be aſſeſſed to the treaſurer of the ſaid city, and that if default ſhall be made in ſuch payment, ſuch lot will be ſold at public auction, at a day and place therein to be ſpecified, for the loweſt term of years at which any perſon ſhall offer to take the ſame, in conſideration of advancing the ſum
10 or ſums aſſeſſed on the ſame for the expence aforeſaid; and if notwithſtanding ſuch notice and demand, the owner or owners ſhall refuſe or neglect to pay ſuch aſſeſſment with the coſts and charges thereof, and of the advertiſement, then it ſhall be lawful for the ſaid mayor, aldermen and aſſiſtants to cauſe the ſaid lot to be ſold at public auction for a term of years, for the purpoſes and in the manner expreſſed in the ſaid advertiſement, and to give a declaration of ſuch ſale to the purchaſer thereof, under the common ſeal of the ſaid city; and ſuch purchaſer, his executors, adminiſtrators and aſſigns ſhall by virtue thereof, and by this act, lawfully hold and enjoy the ſame, for his and their own proper uſe, againſt the owner or owners thereof, and all claiming under him or them, until his term therein ſhall be fully complete and ended, being at liberty to remove all the buildings and materials which he or they ſhall erect or place thereon, but leaving the ground in ſufficient fence, and with the ſtreet or ſtreets fronting the ſame in the order required by the ſaid regulations; *Provided always*, That if after defraying the actual expence of conforming any lot ſo to be ſold for a term of years to the regulations aforeſaid, and deducting all reaſonable charges attending the ſame, a ſurplus of the purchaſe money ſhall remain in the hands of the treaſurer of the ſaid city, the ſame ſhall forthwith be rendered to the owner or owners of ſuch lot or lots reſpectively, or his or their legal repreſentatives.

11 IV. *And be it further enacted*, That if upon the completion of any ſuch regulation, it ſhall appear to the ſaid mayor, aldermen and aſſiſtants, or the major part of them, that a greater ſum of money hath been *bona fide* expended in conforming any lot or lots to ſuch regulations, than the ſum or ſums eſtimated and collected

as aforesaid, it shall then be lawful for the said mayor, aldermen and assistants, or the major part of them, to cause a further assessment, equal to such excess to be made and collected in manner aforesaid; *And further*, That in case the sum or sums actually expended shall be less than the sum or sums expressed in such estimate, and collected as aforesaid, the surplus shall be forthwith returned to the persons from whom the same were collected, or their legal representatives.

V. *And be it further enacted*, That the amount of every estimate 12
and assessment to be made as aforesaid, shall be and remain a lien on the lot or lots so estimated, from the time of the completion and return of such estimate in manner aforesaid, until paid or otherwise satisfied; and that it shall be lawful for the said mayor, 13
aldermen and assistants, or a major part of them, instead of the remedy herein above provided, if they shall see fit, in case any owner or occupant of any lot within the said city, shall neglect or refuse to conform his lot to such regulations as aforesaid, to conform the same to such regulations at their own expence, and to sue for and recover the amount of that expence, from the owners of such lots or their legal representatives, with interest and costs, in any court within this state having cognizance thereof; in an action on the case, in the name of the treasurer of the said city, for so much money by them paid, laid out and expended for such owners; and the said estimate or assessment, with the proof of the amount and payment of the said expence, shall be conclusive evidence for the plaintiff in every such action.

VI. *And be it further enacted*, That nothing in this act shall 14
affect any agreement between any landlord and tenant, respecting the payment of any such charges, but they shall be answerable to each other in the same manner as if this act had never been made; *And further*, That if any money, so to be assessed, shall 15
be paid by any person, when by agreement or by law the same ought to have been borne and paid by some other person, then it shall be lawful for the person paying the same to sue for and recover the same, with interest and costs of suit, in any court having cognizance thereof, as so much money paid for the use of the person who ought to have paid the same; and the assessment aforesaid, with proof of payment, shall be conclusive evidence for the plaintiff in such suit.

VII. *And be it further enacted*, That from and after the passing 16
of this act, the mayor, aldermen and assistants of the said two wards, shall, within the said wards, be invested with all the powers vested in the commissioners of highways, for the several towns within this state.

VIII. *And be it further enacted*, That it shall be lawful for the 17
freeholders and inhabitants of the third and fourth wards, within the said city, qualified to vote at town meetings, to elect on the annual town meeting days, three commissioners of highways and one supervisor, for each of the said wards, who shall have the same power and authority as the commissioners of highways, and the supervisors of the several towns within this state; *Provided* 18

always, That nothing herein contained shall be construed to abridge the powers of the mayor of the said city of Schenectady, relative to granting permits for retailing spiritous liquors, and keeping inns and taverns within the said city.

City of Hudson.

CHAP. LXXXVI.

Contents.

1, 3. Common Council may order certain sums of money annually to be raised.
2. And a further sum of money to discharge a certain debt.
4. Turnpike company not to take gravel from the burying ground.

An ACT *for defraying certain Expences in the City of Hudson.*

Passed April 1st, 1802.

WHEREAS the mayor, recorder, aldermen and commonalty of the city of Hudson, have by petition represented to the legislature, that certain acts, and parts of acts, making provision for raising by tax, certain sums of money within the said city, are about expiring; and also, that a new market house hath been lately erected in the said city, by order of the common council thereof; for the erection of which individuals have contributed, by way of loan, nearly eight hundred dollars, and praying for relief in the premises: Therefore,

I. *Be it enacted by the People of the State of New-York, represent-*
1 *ed in Senate and Assembly*, That it shall be lawful for the mayor, recorder, aldermen and commonalty of the city of Hudson, to order the raising for five years to come, annually, a sum not exceeding in any one year five hundred dollars, by tax on the real and personal estates of the freeholders and inhabitants of the said city, for defraying the incidental expences in the management
2 of the police: And also to raise in like manner, a sum not exceeding eight hundred dollars, to re-imburse the expence of building the market house above mentioned.

3 II. *And be it further enacted*, That it shall be lawful for the said mayor, recorder, aldermen and commonalty, to order the raising a further sum, not exceeding six hundred and twenty-five dollars in any one year, annually, for five years, for the purpose of defraying the expence of lighting the said city, and of maintaining a night watch, by a tax on the real and personal estates of the freeholders and inhabitants of the said city, residing within the compact part thereof, and included within the limits of the same, agreeable to a late survey made by Jonas Smith, as filed in the clerk's office of the said city.

III. *And whereas*, It has been further represented by the said mayor, recorder, alderman and commonalty, that the burying

ground in the said city, has been dug by certain turnpike corporations, for the purpose of obtaining gravel therefrom, under pretence of powers granted to them by law: Therefore; *Be it further enacted*, That it shall not be lawful for any turnpike corporation, to dig up or carry away any gravel from the burying ground in the said city, without the leave and permission of the common council of the said city first had and obtained.

City of Albany.

CHAP. CI.

Contents.

5. Butchers, licences to them for what cause to be suppressed.
3. Chamberlain, his duty in respect to prosecuting offenders.
6. Markets, Common Council may establish bye laws to regulate.
4. Mayor, to grant licences to the Butchers.
10. ——— To grant permits to Tavernkeepers and Retailers.
11. ——— To receive and account for excise duties.
8, 12. ——— His fees for licences and permits.
1. Superintendent of the Market, to be appointed by the Mayor.
2. ——— His duty.——9. To take an oath.
7. ——— His further duty and compensation.
13. Tavernkeepers and Retailers, complaints against them, by whom to be heard and determined.
14. ——— On conviction, their licences to be suppressed.

An ACT *concerning the City of Albany.*

Passed April 3d, 1802.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the mayor of the said city, as clerk of the market, shall at least once in every year, and oftener if he shall deem it necessary, by writing under his hand and seal, appoint one inhabitant of the said city, being a citizen of the United States, to be the superintendent of the markets in the said city, whose duty it shall be, under the direction of the said mayor, to inspect the weights, measures and balances, that shall or may be used in the said markets, and to seize and destroy such as are not according to the established standard; and also to inspect on every market day, all meats that may be exposed for sale in said markets, and to seize and destroy such as may be tainted, or otherwise unfit to eat; and also to inspect the stalls in the said markets, and cause the occupants to keep them clean, and to keep clean the equal half of the said markets, fronting and adjoining to such stalls; and also to enquire into the conduct of all persons who shall expose for sale, or vend any provisions in the said markets, and whether they or any of them are guilty of any infraction of

the bye laws of the common council, and to report all offenders
3 against such bye laws to the chamberlain of the said city, whose duty it shall be forthwith to prosecute the offenders, for the penalties annexed to their several offences.

4 II. *And be it further enacted*, That it shall be lawful for the said mayor, by writing under his hand and seal, to license so many
5 butchers within the said city as he shall deem necessary, which licences shall endure until the first Tuesday of May in every year next after their date, unless the same shall be sooner suppressed by the mayor or recorder and any two aldermen of the said city, by reason of any infraction of the bye laws of the common council, or for other mal-conduct of such butchers, in the course of their trade, which shall be enquired of, and determined upon in a summary way.

6 III. *And be it further enacted*, That it shall be lawful for the said common council, from time to time, to make, ordain and establish such bye laws as they shall deem reasonable and necessary for regulating the markets within the said city.

7 IV. *And be it further enacted*, That it shall be lawful for the said superintendent to exact and receive from the said butchers respectively, such sums, as the said mayor shall, from time to time prescribe, which sums the said superintendent shall account for to the mayor, who shall pay out of the same to the said superintendent such compensation for his salary as they shall agree on, and retain the overplus to his own use; *Provided always*, That it shall not be lawful for the said superintendent to exact and receive as aforesaid, more than six cents for every quarter of beef, and four cents for every calf, sheep and hog, and two cents for every carcase of other meat of whatsoever kind it may be, which shall be cut up or exposed for sale in the said market by any of the said butch-
8 ers; *And further*, That it shall be lawful for the mayor to exact and receive to his own use, one dollar for every butcher's licence.

9 V. *And be it further enacted*, That the superintendent shall, before he enters upon the execution of his said office, take and subscribe an oath or affirmation before the mayor or recorder of the said city, well and faithfully to execute the duties of the said office, without favour, affection or partiality, and file the same in the office of the clerk of the said city.

10 VI. *And be it further enacted*, That it shall be lawful for the mayor to grant permits for retailing spiritous liquors under five gallons, and for keeping taverns within the said city, at the time, and under the regulations prescribed in the act, entitled "An act to lay a duty on strong liquors, and for regulating inns
11 and taverns," and also to exact and receive from the several persons to whom such permits shall be granted, the same excise duties as are allowed and prescribed by the said recited act, to be accounted for and paid over to the overseers of the poor of the said city,
12 for the support of the poor thereof, besides a fee of two dollars for every such permit, as a compensation for the services of the said mayor.

VII. *And be it further enacted*, That it shall be lawful for the 13
mayor or recorder and any two of the aldermen of the said city, to hear and examine in a summary way, and determine upon all complaints against the retailers of spiritous liquors, and the keepers of inns and taverns, within the said city, for offences against the above recited act, or for keeping disorderly houses; and on con- 14
viction to suppress the licences of the offenders.

Port of New-York.

CHAP. XLVIII.

Contents.

6. Apprentices, Masters of pilot-boats to have at least two.
7. ——— Their time of service.
8. ——— To be examined annually touching their knowledge of the Tides, &c.
1. Master and Wardens, their duty when a person applies for a certificate that he is qualified for the office of Pilot.
2. Pilots, Branch, to attend the examination of persons applying for certificates.
11. ——— To take regular tours of duty at sea—a compliance to be enforced by the Wardens.
9. ——— Branch and Deputy, their duty in heaving the lead.
10. ——— Penalty for neglect thereof.
3. ——— Qualifications of persons applying to become.
4. Pilotage money, to whom to be paid.
5. ——— May be sued for.
12. ——— In what cases not to be required.

An ACT *to amend the Act, entitled "An Act relative to the Harbour-Master, and Master and Wardens and Pilots of the Port of New-York, passed April 3d,* 1801."

Passed March 19th, 1802.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That when any person, in 1
conformity to the eighth section of the act hereby amended, shall apply to the master and wardens of the port of New-York for a certificate, that he is qualified for the office of branch-pilot or deputy-pilot, it shall be the duty of the said master and wardens before granting such certificate, to appoint a time for the examination of such applicant, not less than five days thereafter, and shall immediately give notice to at least three branch-pilots belonging to different pilot-boats, of the name of the person so applying, and the day and hour assigned for his examination; and 2
it shall be the duty of such branch-pilots to attend agreeable to notice given as aforesaid, and ask such applicant all questions, that they or any one of them may think necessary and proper,

touching his qualifications for the office of branch-pilot or de-
3 puty-pilot, (as the case may be.) *And further*, It shall not be lawful for the said master and wardens, or any three of them, to grant any certificate, as is directed in the said eighth section, unless it shall appear to them, that the person so applying, if for a certificate, as to his qualification for the office of deputy-pilot, has served as an apprentice for five years in one or more of the pilot-boats belonging to the port of New-York; and if for a certificate, as to the applicant's qualification for the office of a branch-pilot, has served two years as a deputy-pilot and an apprentice together in one of the aforesaid boats.

4 II. *And be it further enacted*, That it shall and may be lawful for the master of each pilot-boat belonging to the port of New-York to receive all pilotage money due to any pilot belonging to
5 the same, and on refusal of payment to sue for and recover the same, in the name of such master, any law, usage or custom to the contrary thereof notwithstanding.

6 III. *And be it further enacted*, That the master and owners of each pilot-boat shall have not less than two apprentices attached
7 to each boat, whose time of service shall be for not less than five years; and it shall be the duty of the said master or owners to attend to the instruction of said apprentices in the art and mystery
8 of a pilot; and it shall be the duty of the said master and wardens, at least once in every year, to examine the said apprentices, touching their knowledge of the tides, soundings, bearings and distances of the reefs, shoals, bars, points of land and islands, and every other matter tending to promote the safe navigating of vessels between the harbour of New-York and Sandy-Hook.

9 IV. *And be it further enacted*, That it shall be the duty of every branch-pilot or deputy-pilot, upon taking charge of any vessel, either outward or inward bound, when under way, to cause the
10 lead to be continually hove; in default whereof, the said branch-pilot or deputy-pilot shall be subject to the penalty of twenty-five dollars, to be recovered in like manner as is directed in the tenth section of the act hereby amended.

11 V. *And be it further enacted*, That every branch-pilot shall take his regular tour of duty at sea; and it is hereby made the duty of the wardens to enforce a compliance therewith.

12 VI. *And be it further enacted*, That it shall not be lawful for any pilot to demand or take pilotage from the master or owner of any coasting vessel under the burden of fifty tons, and sailing under a coasting licence, except in cases where such coasting vessel shall receive a pilot for the purpose of taking her into, or out of the port of New-York.

Court of Chancery.

CHAP. XV.

Contents.

5. Assistant-Register, his office to be held in New-York or Albany.
6. ——— To receive the same fees as the Register.
7. Clerks, their duty with respect to certain records, &c.
1. Court of Chancery, to be held in Albany and New-York.
2. ——— Times of holding to be appointed by the Chancellor.
3. ——— Terms to continue at least eight days.
15. Decrees, the Court may enforce by execution.
12. Process to be under seal.
4. Register, to hold his office in New-York or Albany.
16. Rules, Court may establish.
9. Serjeant at Arms, his office abolished.
10, 13. Sheriffs to execute process from this Court.
11. ——— To give their attendance at the Court as required.
14. ——— Fees, the same as in the Supreme Court.
8. Solicitors, their duty with respect to notices, &c.

An ACT *concerning the Court of Chancery.*

Passed February, 23d, 1802.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That a court of chancery shall 1
be held at least twice in the city of Albany, and twice in the city of New-York in every year, and at such other times as the chancellor shall think proper; and that the chancellor shall appoint 2
the times for holding the said courts; but he may nevertheless alter the same from time to time as he shall judge most for the public convenience; *Provided*, That no alteration shall take effect, until at least one term of the said court shall have intervened, after the term when the alteration shall have been made; *And* 3
provided further, That the terms of the said courts shall continue and be held at least eight days and longer if it be needful.

II. *And be it further enacted*, That the register of the court of 4
chancery for the time being, shall keep his office in the city of Albany or in the city of New-York, as the chancellor shall direct, with the records, books and papers thereunto belonging.

III. *And be it further enacted*, That there shall be an assistant- 5
register of the court of chancery, to be appointed by the chancellor, and to hold his office during the pleasure of the chancellor, who shall keep his office with all the records, books and papers thereunto belonging, in the city of New-York or in the city of Albany, as the chancellor shall direct, and perform all the duties of register of the said court in the city of New-York or in the city of Albany, or which may be committed to or required of him by the chancellor, or by the party or parties interested therein, for 6
which he shall receive such fees as are or may be allowed to the register of the court of chancery for the like services: *Provided*,

That nothing herein contained ſhall be underſtood to prohibit the regiſter or aſſiſtant-regiſter of the court of chancery from conveying any of the records, books or papers in their reſpective offices to the office of the other of them, or to any other place, out of their reſpective offices, as the courſe of legal proceedings in any caſe may require.

7 IV. *And be it further enacted*, That the clerks of the court of chancery ſhall from time to time depoſit all records, books and papers relative to ſuits not actually pending in the ſaid court, in the office of the regiſter or aſſiſtant-regiſter, as the chancellor ſhall direct.

8 V. *And be it further enacted*, That all notices and copies of other proceedings in any cauſe or matter pending in the court of chancery, where the ſame ſhall be requiſite by the courſe and practice of the ſaid court, except copies of pleadings, depoſitions and copies of exhibits accompanying the ſame, ſhall be furniſhed by the ſolicitors reſpectively to the adverſe ſolicitors, under ſuch regulations as ſhall from time to time be eſtabliſhed by the court of chancery reſpecting the ſame, and for ſuch compenſation as may be allowed by law for ſuch copies.

9 VI. *And be it further enacted*, That the office of ſerjeant at arms of the court of chancery, ſhall be and hereby is aboliſhed.

10 VII. *And be it further enacted*, That the ſheriffs of the reſpective cities and counties of this ſtate ſhall be the officers of the court of chancery, for the purpoſes of executing the proceſs thereof when the ſame ſhall be directed to them reſpectively, and for the taking into cuſtody and impriſoning any perſon who ſhall be liable to be taken into cuſtody or impriſoned by proceſs from, or by decree or order of the ſaid court; and the ſaid ſheriffs reſpectively ſhall be amenable to the ſaid court in the execution of ſuch
11 proceſs, decree or order; and the ſheriffs of ſuch of the cities and counties of this ſtate where the court of chancery ſhall be held, ſhall be bound to give their attendance thereon in ſuch manner as the court may require, and in default thereof ſhall be liable to ſuch fine as the ſaid court may impoſe.

12 VIII. *And be it further enacted*, That all proceſs to be iſſued out of the court of chancery ſhall be under the ſeal thereof, and ſhall be made patent, and ſhall be in ſuch form as the ſaid court ſhall from time to time eſtabliſh, expreſſive of the deſign or end for
13 which the ſame ſhall iſſue; and all ſuch proceſs, except ſubpœnas, ſhall be directed to the ſheriff of the county where the ſame is to be executed, who ſhall be bound to execute the ſame according-
14 ly, for which they ſhall receive ſuch fees as ſhall be allowed for ſimilar ſervices in the ſupreme court.

15 IX. *And be it further enacted*, That it ſhall be lawful for the court of chancery, to enforce obedience to or the performance of any of its decrees, by execution either againſt the body of the perſon who ſhall be bound to perform the ſame, or againſt the goods and chattels; and in default thereof, againſt the lands and tenements of the perſon bound to perform ſuch decree; the forms of which executions ſhall be ſuch as the court of chancery ſhall from time

to time direct or approve of, and shall have the same force and effect as executions against the person, or against the goods and chattels, or against the goods and chattels, lands and tenements of the person have in the courts of the common law, and shall be executed in like manner as executions of a similar kind issued out of the courts of common law.

X. *And be it further enacted*, That the court of chancery shall 16
have power to establish rules for the proceedings to take a bill *pro confesso*, against the defendant in every case not otherwise provided for by law, and also for the proceedings so as to entitle either party to a decree or order of the court against the opposite party by default.

Circuit Court & Sittings.

CHAP. XXXI.

Contents.

1. Attorney General, excused from attending Court of Oyer and Terminer in New-York.
2. District Attorney, to attend the said Court.
3. Judges, holding Circuit Court or Sittings in New-York, to receive additional compensation.
4. —— Residing in New-York, entitled to chamber fees, &c.
5. Jurors, a new Pannel of, may be ordered by the Judge.
6. Notices of Trial, &c. how long to continue in force.
7. Sittings in N. York, may be appointed to be held in any vacation.
8. —— May be held by one or more Judges.
9. Causes noticed for trial, a fee for each to be paid by the party giving notice.

ACT *relative to the Circuit Courts and Sittings in the City and County of New-York.*

Passed March 8th, 1802.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the judges of the supreme 1
court shall have power during any term of the said court, and as business may require, to appoint sittings to be held in and for the city and county of New-York, in the succeeding vacation, or any other vacation of the supreme court; and that such sittings 2
may be held by any one or more of the judges successively, and be continued during any such vacation by adjournment from time to time, not exceeding fourteen days by any one adjournment; and 3
that any judge holding such sittings, may at any time, and as often as may be necessary during the continuance thereof, order the sheriff or coroners of the said city and county, as the occasion may require, to summon a new pannel of jurors to attend such sittings, whose duty it shall be, on the usual time of summons, to attend ac-

cordingly, and thereupon diſcharge the former jurors attending the ſame; and that all trials and proceedings had by ſuch new jurors ſhall be entered in the ſame manner, and be as valid to all pur-
4 poſes as if the ſame were had by ſuch former jurors; and all notices of trial given, and other proceedings prepared for the commencement of any ſuch ſittings, ſhall continue in force until the termination thereof, notwithſtanding any ſuch adjournment.

5 II *And be it further enacted*, That the judge or judges who ſhall hold any circuit court or ſittings in the ſaid city, ſhall be entitled to receive as an additional compenſation for his or their ſervices,
6 the ſum of two dollars and fifty cents, in each ſuit noticed for trial at ſuch courts, to be paid by the party giving ſuch notice, at the time of giving the ſame, to the clerk of the ſaid courts, and who ſhall pay the ſame to ſuch judge or judges, and which ſhall be recovered by the party paying the ſame, as the other coſts of ſuch
7 ſuit; and the judge or judges of the ſaid ſupreme court, who ſhall reſide in the ſaid city, ſhall be entitled to receive fees for chamber buſineſs in the ſupreme court, and for other ſervices appertaining to their office, in the ſame manner as any other officer may now do for the like ſervices.

8 III. *And be it further enacted*, That it ſhall be the duty of the diſtrict attorney of the diſtrict comprehending the ſaid city, to attend the courts of oyer and terminer and gaol delivery, to be held in and for the ſaid city, and to manage and conduct all ſuits and proſecutions for the people of this ſtate therein, in the ſame man-
9 ner as in the other counties within his diſtrict; and that it ſhall not be neceſſary for the attorney general to attend ſuch courts, except when required ſo to do by the governor of this ſtate, or one of the judges of the ſupreme court.

IV. *And be it further enacted*, That this act ſhall continue and be in force until the firſt day of May, one thouſand eight hundred and four, and no longer.

Court of Probates, etc.

CHAP. LXXXIII.

Contents.

1. Expence of removing certain Papers, how paid.
2. 14th Section of a former Act, extended to Inteſtates leaving property in the city of New-York.
6. Wills, perſons in poſſeſſion of, refuſing to produce them when required, to be committed.
7. ——— Not written in Engliſh, extra allowance for recording.
3. Witneſſes may be ſummoned from any part of the State.
4. ——— Penalty on, for non-attendance.
5. ——— Refuſing to be ſworn, may be committed.

An ACT *supplementary to the Act, entitled "An Act relative to the Court of Probates, the Office of Surrogate, and the granting of Administrations."*

Passed March 31st, 1802.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the account for the expence of assorting and removing of certain papers, books, minutes, records and documents from the office of the court of probates to the surrogate's office of the city and county of New-York, in conformity to the directions of the act concerning the court of probates, passed the 30th of March, 1799, shall be audited by the comptroller of the state, who shall draw his warrant on the treasurer for the sum thereupon allowed. 1

II. *And be it further enacted*, That the fourteenth section of the act, entitled "An act relative to the court of probates, the office of surrogate, and the granting of administrations," shall be and hereby is extended to all cases of persons not resident within this state, who may die intestate, leaving goods and chattels within the city and county of New-York, whether such intestate shall die within this state or not. 2

III. *And be it further enacted*, That it shall be lawful for the judge of the court of probates, and the respective surrogates of this state, on the request of any person interested, to cause any person from any part of the state, to be summoned to appear before such judge or surrogate, to be examined and to give testimony, and to bring with him deeds or writings respecting any matter cognizable before such judge or surrogate, and to issue process for these purposes; and of any person being subpœnaed, and having received, or having been tendered such compensation as is allowed to witnesses for their attendance by law, shall not thereupon appear or bring with him such deeds or writings, according to the tenor of said process, every person so making default, and not having a reasonable and lawful cause for the [illegible] forfeit to the party grieved one hundred dollars, to be [illegible] by an action of debt in any court of record, with costs [illegible] and shall also yield further recompense to the party [illegible] according to the loss and hindrance sustained; and if [illegible] summoned to appear as aforesaid, shall refuse to be [illegible] or to answer, it shall be lawful for such judge or surrogate [illegible] commit him to the gaol of the county where the court of such [illegible] or surrogate shall be holden, until he shall submit to be sworn and to answer. 3 4 5

IV. *And be it further enacted*, That it shall be lawful for such judge or surrogate, on the application of any person interested, to require any person having the custody or possession of any will, to produce the same, to the intent that such will may be duly proved, and on neglect or refusal so to do, to commit the person so neglecting or refusing to gaol until he shall produce and deliver such will to the said judge or surrogate. 6

V. *And be it further enacted*, That whenever any will shall be made in any other than the English language, and proved and 7

recorded by any ſurrogate of this ſtate, ſuch ſurrogate ſhall be entitled to twelve and an half cents for every one hundred and twenty-eight words of a tranſlation of ſuch will, in addition to what is allowed by the act, entitled " An act regulating the fees of the ſeveral officers and miniſters of juſtice within this ſtate."

Congreſs.

CHAP. LXXII.

CONTENTS.

1. Diſtricts, for Election of Repreſentatives, State divided into.
2. ——— Particularly deſcribed.
3. St. Lawrence, Votes taken at the next Election in this county, to be returned to the Clerk of Oneida.

An ACT *to amend the Act for regulating the Election of Repreſentatives for this State, in the House of Repreſentatives of the Congreſs of the United States.*

Paſſed March 30th, 1802.

I. BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That inſtead of the preſent
1 diſtricts, for the purpoſe of electing repreſentatives in the houſe of repreſentatives of the congreſs of the United States, this ſtate ſhall be and is hereby divided into ſeventeen diſtricts, which ſhall be known and numbered as follows:

2 The counties of Suffolk and Queens, ſhall compoſe the firſt diſtrict:

The county of Kings, the county of Richmond, together with the firſt, ſecond, third and fifth wards of the city of New-York, ſhall compoſe the ſecond:

The fourth, ſixth and ſeventh wards of ſaid city, ſhall compoſe the third:

The counties of Weſtcheſter and Rockland, the fourth:

The county of Orange, the fifth:

The county of Dutcheſs, the ſixth:

The counties of Ulſter and Greene, the ſeventh:

The county of Columbia, the eighth:

The city and county of Albany, the ninth:

The county of Renſſelaer, the tenth:

The counties of Saratoga, Clinton and Eſſex, the eleventh:

The county of Waſhington the twelfth:

The counties of Schoharie and Montgomery, the thirteenth:

The counties of Otſego and Delaware, the fourteenth:

The counties of Herkimer, Oneida and St. Lawrence the fifteenth:

The counties of Chenango, Onondaga and Tioga, the fixteenth: And,

The counties of Cayuga, Ontario and Steuben, shall compose the seventeenth district.

II. *And be it further enacted*, That it shall and may be lawful for the inspectors of election in the several towns in the county of St. Lawrence, to transmit the votes that may be taken in the said towns at the next election, to the clerk of the county of Oneida by some one person to be by them appointed for that purpose.

Legislature.

CHAP. LXXXI.

6. Assembly, Representation therein apportioned.
3, 5. Clerk of Senate, to give Notice of Elections.
7. Counties, number of Members of Assembly each is entitled to.
1. Districts, Senators to be chosen therein at the next Election.
2. Senators, chosen at the next Election, to form the First Class.
4. ——— Resignations of, may be accepted by the Senate.
[illegible]. Vacancy, in any County having but one Member, how filled.
——— Election to fill such Vacancy, to be held but one day.

ACT *apportioning the Representation in the Legislature according to the Rule prescribed by the Constitution.*

Passed March 31st, 1802.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the electors of senators in the southern, middle and western districts of this state, shall at the next general election therein, be entitled to elect and choose eight senators, to wit: One in the southern district, two in the middle district, and five in the western district; and that the said senators, so to be chosen, shall form the first class; and the clerk of the senate is hereby directed to give notice of the elections accordingly.

II. *And be it further enacted*, That whensoever any person elected a member of the senate of this state shall resign his seat therein, by giving written notice thereof to the president of the senate, such resignation may be accepted; and thereupon the clerk of the senate shall give notice, that at the next anniversary election thereafter a senator is to be chosen to fill the vacancy occasioned by such resignation.

III. *And be it further enacted*, That until another census shall be taken by order of the legislature, or other provision be made in the premises, the electors in the several counties in this state, shall be entitled to elect and choose at the next general election therein, and annually thereafter, the number of members of assembly following, to wit:

In the city and county of New-York, nine:
In the county of Richmond, one:
In the county of Suffolk, three:
In the county of Queens, three:
In the county of Kings, one:
In the county of Weſtcheſter, four:
In the county of Rockland, one:
In the county of Orange, four:
In the county of Ulſter, four:
In the county of Dutcheſs, ſeven:
In the county of Columbia, four:
In the county of Delaware, two:
In the county of Greene, two:
In the county of Renſſelaer, five:
In the city and county of Albany, ſix:
In the county of Waſhington, ſix:
In the county of Clinton, one:
In the county of Eſſex, one:
In the county of Saratoga, four:
In the county of Schoharie, two:
In the county of Montgomery, five:
In the county of Herkimer, three:
In the county of Onondaga, two:
In the county of Otſego, four:
In the county of Chenango, four:
In the county of Tioga, one:
In the county of Cayuga, three:
In the county of Ontario and Geneſee, three:
In the county of Steuben, one:
And in the counties of Oneida and St. Lawrence, four.

IV. *And be it further enacted*, That in caſe of vacancy, by death or otherwiſe, in the office of member of aſſembly, in any county in this ſtate, not entitled to more than one member, between any of the ſaid general elections, and previous to the firſt day of November in any year, it ſhall be the duty of the perſon adminiſtering the government of this ſtate, by proclamation, to give notice thereof, and therein to ſpecify in what county the perſon is to be elected to fill ſuch vacancy; and to appoint a day, not leſs than twenty nor more than thirty days from the day of the publication of ſuch proclamation, for holding an election in ſuch county to fill ſuch vacancy, and to cauſe a copy thereof to be delivered to the ſheriff of ſuch county, and ſuch ſheriff ſhall thereupon give notice in writing of ſuch election, to one of the inſpectors of elections in each town in ſaid county, within ten days after receiving ſuch proclamation; and the ſaid inſpectors ſhall immediately give notice thereof to the other inſpectors of ſuch town, who ſhall thereupon convene together, and by writing under their hands, to be fixed up in at leaſt three of the moſt public places in ſuch town, give eight days notice of the time and place of holding ſuch election within the ſame; and ſuch election ſhall be held and conducted for one day only, and the ballots thereof be canvaſſed and eſti-

mated, certified, returned and calculated, and a certificate thereof given in the same manner, by the same persons respectively, and within the same time as in the case of a general election for members of assembly.

State Prison.

CHAP. XXXVII.

Contents.

1. Agent, his duty to attend the Prison daily, view, superintend, &c.
2. ——— To superintend the manufacturing business, and account with the Inspectors.
3. ——— To render an account annually to the Comptroller.
8. Clerk, to be appointed—his duty and compensation.
10. Comptroller to examine and compare accounts and report to the Legislature.
4. Factor, Inspectors authorised to appoint, and his duty.
5. ——— Annually to render to the Inspectors a full and accurate report.
6. ——— His compensation—To give security to the Inspectors.
7. Inspectors, visiting, their duty with respect to materials & prices.
9. ——— To have the whole government of the Prison.
11. ——— A sum of money to be paid them by the State.

An ACT *designating the Duty of the Agent and Factor of the State Prison, and for other Purposes.*

Passed March 16th, 1802.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall be the duty of the 1
agent of the state prison, to attend daily at the said prison, to view and superintend all the business thereof, and to examine if the keepers have been watchful and vigilant; and to enquire generally into the state of the prison, and the health, conduct and safe keeping of the prisoners; and to employ them at useful work in such manner as will be most beneficial to the public, and suitable to their various capacities; to purchase their provision and articles for their clothing, and the provision for the keepers; and also to purchase all the raw materials to be manufactured; and to render to the visiting inspectors, for their examination, a weekly account thereof; and it shall also be the duty of the said agent, 2
to superintend all manufacturing and mechanic business, that is carried on within the said prison, and to receive all the articles manufactured, and to render to the said visiting inspectors for their examination a weekly account thereof, specifying each article manufactured, and the whole amount of the value thereof; and the 3
said agent shall annually on the second Tuesday of January in every

year, render to the comptroller on oath or affirmation, an inventory of all and each kind of goods and raw materials on hand, and an accurate account of all monies received and expended in purchasing raw materials for the necessary support of said prisoners, with sufficient vouchers for the same; and he shall also render a specific account of all articles manufactured or made in the year past, and the value of each, in such a manner that a correct and comprehensive view of the whole transactions may be taken, and the proper application of the raw materials may be seen by the articles manufactured therefrom, and the propriety of the sales of those articles may be shewn by the amount of the separate sales thereof.

4 II. *And be it further enacted*, That the inspectors of the state prison, shall be authorised to appoint a fit and proper person, to act as factor for the state prison, whose duty it shall be to receive weekly, and on Monday in every week, all the goods and articles that have been manufactured or made the preceding week; and he shall sign and deliver to the said agent, a receipt for the same, specifying the selling price affixed on each article and the amount of the whole, for which he shall be accountable; and he shall on every Monday, pay to the agent all the cash that he has received
5 on account of the state prison the preceding week; and it shall be his duty every year, on the first Tuesday of January, to render to the inspectors a full and accurate report, on oath or affirmation, of his transactions, shewing the whole amount of the different articles received and sold, and the total amount of the sales thereof, with an inventory of every article on hand, and the price thereof; an abstract of the whole shall be transmitted to the comptroller on or before the second Tuesday of January in every year;
6 and the said factor shall receive and have for compensation, not exceeding seven per cent. on all the cash paid to the agent, to be regulated by the inspectors; and the said inspectors are required to take bond of the said factor, with sufficient security for the faithful performance of his duty.

7 III. *And be it further enacted*, That the said visiting inspectors may at all times, view the raw materials that have been purchased, or any other thing that may be purchased for the use of the said prison, and examine the qualities, properties and price thereof, and correct any errors that may happen; and the said visiting inspectors, with the assistance of the agent, shall ascertain and direct the price for which each article shall be sold.

8 IV. *And be it further enacted*, That the said inspectors shall appoint a clerk to keep the books and accounts of the state prison, and to assist the agent; and the said clerk shall receive at and after the rate of four hundred dollars per annum, which, together with the salary of the said agent, shall be paid quarterly, as the
9 keeper and assistant keepers are; and the said inspectors shall have the whole government and direction of the state prison, and all the concerns thereof; and may remove from office, when they deem it necessary, the agent, factor, clerk, or any of the keepers, and fill such vacancies as may happen by death, resignation or such removal.

V. *And be it further enacted*, That it shall be the duty of the 10
comptroller, to examine and compare the accounts of the agent and factor, and lay a statement thereof before the legislature annually, on the third Tuesday of February, shewing how far the accounts correspond, and the raw materials are balanced by the articles manufactured from them, and the amount of sales of the articles sold are balanced by the cash received, and the quantity on hand.

VI. *And be it further enacted*, That the treasurer of this state 11
shall, on the warrant of the comptroller, pay to the inspectors of the state prison, the sum or balance of twenty-one thousand nine hundred and fifty-three dollars, eighteen cents and five mills, stated to be due to the said inspectors by the comptroller of this state on the last settlement and auditing of their accounts by the said comptroller, which warrant the said comptroller is hereby required to issue.

CHAP. LXVIII.

Contents.

1. Guard to the State Prison, Inspectors to supply with provision.
2. ——— Expence thereof to be deducted from their pay.
7, 8. ——— Musicians belonging to, their compensation, &c.
3. ——— N. C. Officers and Privates to board and lodge in the barracks.
6. ——— Officer commanding, to make a weekly return to the Mayor.
10. ——— Persons belonging to, exempt from civil process.
9. Inspectors, their duty with respect to the Guard may be performed by any two of them.
4. Mayor of N. York, to inspect the Guard, and report to the Gov.
11. Plan for better guarding the Prison, Judges, &c. authorised to devise.
12. ——— To be reported to the Governor, who may cause the same to be carried into effect.
13. ——— May be amended with consent of the Governor.
5. Regulations for the government of the Guard, by whom made.

An ACT *relative to the State Prison Guard, and for other Purposes.*

Passed March 30th, 1802.

1. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the inspectors of the state 1
prison, or any two of them, shall and may from time to time, by contract, cause the said guard to be supplied with provisions, and such other necessaries as they the said inspectors, or any two of them, may deem proper; the amount and expence whereof shall 2
be monthly deducted from the pay of the said guard; and that no 3
non-commissioned officer, drummer, fifer or private, belonging to

the ſaid guard, ſhall board and lodge at any other place than the barrack, erected for ſuch purpoſe.

4 II. *And be it further enacted*, That the mayor of the city of New-York, ſhall from time to time inſpect the ſaid guard, and report the ſtate thereof, at leaſt once in every three months, to the perſon adminiſtering the government of the ſtate for the time being, and may in his diſcretion direct the diſcharge of any non-commiſſioned officer, muſician or private, belonging to the ſaid guard, and cauſe all vacancies therein to be filled by new engagements;

5 and that the ſaid mayor, together with any two of the inſpectors of the ſtate priſon, ſhall from time to time, make and eſtabliſh rules, regulations and orders, for the better government of the ſaid guard, for the trial of all offences againſt diſcipline, and for the inflicting proper puniſhments for breaches thereof, not exceeding a fine of one month's pay, and ſixty days impriſonment in the ſolitary cells of the ſaid priſon, for every offence.

6 III. *And be it further enacted*, That it ſhall be the duty of the officer commanding the ſaid guard, to make a weekly return of the ſaid guard, to the ſaid mayor.

IV. *And whereas*, The pay of the drummer and fifer belonging to the ſaid guard hath not been fixed and aſcertained, in and by the act, entitled "An act relative to the ſtate priſon," nor any proviſion made for the payment and compenſation of ſuch drummer

7 and fifer: Therefore, *Be it further enacted*, That the monthly pay of the ſaid drummer and fifer, ſhall be twenty dollars each, which ſhall be in lieu of every compenſation, except the articles to be furniſhed to them which ſhall be the ſame as are directed to be furniſhed to the non-commiſſioned officers and privates of the ſaid guard, in and by the twenty-ſecond ſection of the act, entitled "An act relative to the ſtate priſon."

8 V. *And be it further enacted*, That it ſhall be lawful for the comptroller in the auditing the accounts of the inſpectors of the ſtate priſon, to allow the charge or charges therein made, for the monthly pay and articles furniſhed to the drummer and fifer of the ſaid guard, for the term they have already been engaged and ſerved, and ſhall hereafter engage and ſerve in the ſaid guard.

9 VI. *And be it further enacted*, That all and ſingular the duties and ſervices required of the inſpectors of the ſtate priſon, by them to be done and performed, as far forth as relates to the ſtate priſon guard, ſhall and may be done and performed by any two of them.

10 VII. *And be it further enacted*, That all and every of the perſons now belonging, or that any time hereafter ſhall belong to the ſtate priſon guard, ſhall, for and during the time of their continuance in ſervice in ſuch guard, be and remain free and exempt from all arreſt by civil proceſs.

11 VIII. *And be it further enacted*, That the judges of the ſupreme court, or ſuch of them as may be preſent at the city of New-York at any of the terms of the ſuprme court held in the ſaid city, the mayor and recorder of the city of New-York, the attorney general or diſtrict attorney general, with the inſpectors of the ſtate priſon, or a majority of them, ſhall and may, and they are hereby

authorised and empowered, from time to time, to devise and recommend such mode or plan for watching and guarding the state prison more satisfactorily and less expensive than the present mode of guarding of the same, as to them or a majority of them, shall seem meet and proper; which said plan shall be reported and proposed to 12
the person administering the government of this state, for the time being, and when approved of by him he shall authorise and direct the same to be carried into effect; *And further*, That the said judges, 13
mayor, recorder, attorney general and inspectors aforesaid, or a majority of them, may, from time to time, after such plan as last above mentioned shall and may have been directed to be carried into effect, have full power and authority, by and with the approbation and consent of the person administering the government of the state for the time being, to alter, change and amend the same, and at all times to make and pass all necessary rules and regulations for the establishing of good order and government in the premises.

Solitary Prison.

CHAP. LXXIII.

Contents.

1, 2. Prison for solitary Confinement, or Cells in the Bridewell at New-York, to be built.
3. Keepers of the Prison to be appointed by the Com. Council.
4. Prison, when finished, notice thereof to be published.
5, 6. Certain offenders to be adjudged to confinement in said prison.
7. ——— To be kept in absolute solitude and on spare diet.

An ACT *for erecting in the City of New-York, a Prison for solitary Confinement.*

Passed March 30th, 1802.

WHEREAS the imprisonment of persons convicted of petit larceny, and other inferior offences, in the city prison of the city of New-York, has not been attended with the beneficial consequences of reforming the convicts, and of preventing crimes; and as the confinement of such offenders promiscuously in the state prison, would be productive of public inconvenience: Therefore,

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the mayor, aldermen and com- 1
monalty of the city of New-York, in common council convened, are hereby authorised to cause to be erected, or prepare within the said city a strong building to be called the prison for solitary confinement, or to build cells in the bridewell or some other pro- 2
per building, and prepare the same for that purpose, and which shall be appropriated exclusively for the reception of convicts who

may be sentenced to punishment therein, as herein after directed; that the said prison shall be erected upon ground belonging to the said corporation, and at such place, upon such plan and construction, and of such dimensions as to the said common council shall appear most adviseable, and shall be supported at the expense of the said city.

3 II. *And be it further enacted*, That the said common council, shall from time to time appoint a principal keeper of the said prison, so to be erected, and also as many assistant keepers as they shall judge necessary, who shall hold their offices respectively during the pleasure of the said common council, and the same shall be under the charge and government of the said common council.

4 III. *And be it further enacted*, That as soon as the said prison or cells, shall be ready for the reception of convicts, the said com-
5 mon council shall so declare and publish: and every person who shall thereafter, within the said city, be convicted of any offence specified in the fifth section of the act, entitled "An act declaring the crimes punishable with death or with imprisonment in the state prison;" and it shall be deemed proper by the court, before whom any such person shall be convicted, that instead of, or in addition to a fine, such person ought to be imprisoned, it shall then be lawful for such court, in their discretion, to adjudge the person so convicted to imprisonment in the said prison or cells for solitary confinement, for any term of time not exceeding ninety days.

6 IV. *And be it further enacted*, That it shall be lawful for the court authorised in and for the said city, to try and punish certain offences by virtue of the ninth section of the act, entitled "An act declaring the powers and duties of justices of the peace," instead of adjudging offenders, convicted of offences therein mentioned, to imprisonment in the house of employment or bridewell, to adjudge in their discretion every such offender to imprisonment in the said prison or cells for solitary confinement, for
7 any term of time not exceeding sixty days; and every person adjudged to imprisonment in the said prison or cells, by virtue of this act, shall as far as circumstances will admit, be kept in absolute solitude, and on spare diet.

Mawighnunck Patent.

CHAP. IV.

Contents.

1. Clerk of Columbia to record certain Receipts and Releases.
2. ——— His Fees for such recording.
3. Benefits of this act, to whom extended.

An ACT *authorising the Recording of Receipts for Sums of Money, charged on certain Lands in the Patent of Mawighnunck, in the County of Columbia.*

Passed February 10th, 1802.

WHEREAS by virtue of an act of the legislature, entitled "An act for settling the disputes and controversies between the persons claiming to be proprietors of the patent called Mawighnunck, and the possessors of the lands in the town of Canaan," a majority of the commissioners under this said act, did award certain sums to be due to the claimants of the said patent by each of the respective possessors thereof mentioned in the said act, as appears of record in the secretary's office of this state; *And whereas*, By virtue of the said act, the lands of the said possessors, so found chargeable, are respectively bound and holden subject to the payment of the monies so awarded, with power to the said proprietors to sell such lands, in cases of non-payment, in the manner and after the notice usual in cases of mortgages with clause for sale; *And whereas*, In and by the said act, there is no provision for the recording the evidences of such payments: Therefore,

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall be lawful for the clerk of 1
the county of Columbia, and he is hereby required, on the production to him for recording, any receipt or release, given and executed by Peter Silvester and Peter Van Schaack, esquires, of the town of Kinderhook, in the county of Columbia, or the survivor of them, for any monies charged on the said lands or any part thereof, the same being first acknowledged or approved, pursuant to the directions of the act, entitled "An act concerning the proof of deeds and conveyances," to record any such receipt or release, together with the acknowledgment thereon, in the book of mortgages by him kept; which record or a transcript thereof, shall be full evidence in all courts of law or equity in
this state of such payment; and for which service the said clerk 2
shall be entitled to twenty cents, for recording every such receipt and acknowledgment or proof.

II. *And be it further enacted*, That the benefits and provisions 3
of this act, shall be and hereby are extended to the several persons mentioned and designated in an act supplementary to the act herein before recited, passed the third day of April last.

State Loan.

CHAP. XXXVIII.

Contents.

1. Monies loaned by the State, time of Payment extended to 1809.
2. Interest to be annually paid.
3. Loan officers may receive the whole or any part of the principal, and reloan it.

An ACT *to extend the Payment of Money loaned by Virtue of the Act, entitled "An Act for loaning Monies belonging to this State, passed March 14th, 1792."*

Passed March 16th, 1802.

1 BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the time for payment of the monies, loaned to sundry persons by virtue of the act, entitled "An act for loaning monies belonging to this state," passed March 14th, 1792, be and is hereby extended to the first Tuesday of May,
2 one thousand eight hundred and nine; *Provided nevertheless*, That the interest of said money be annually paid; *And provided also*,
3 That it shall be lawful for the several loan officers, appointed under the said act, and they are hereby directed to receive the whole of such part of the money loaned to any person, at their annual meeting on the first Tuesday of May, as is allowed in and by the said act, and to reloan the same agreeable to the directions of the said act, payable on or before the said first Tuesday of May, one thousand eight hundred and nine.

Society Library.

CHAP. XXIX.

Contents.

1. Amount of the annual payments to be made on the shares.
2. Forfeitures for non-payment.

An ACT *to enable the Trustees of the New-York Society Library to increase the yearly Sums payable on the Shares of the said Library.*

Passed March 8th, 1802.

1 BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for the trustees of the New-York society library, in the city of New-York, for the time being, on the first Tuesday of May next, and yearly on the first Tuesday of May in every year thereafter, to demand and receive from the members of the said society, a sum not

exceeding two dollars and fifty cents for each and every right or
ſhare in the ſaid library ; and in caſe any of the ſaid yearly ſums of 2
two dollars and fifty cents, ſhall at any time thereafter be in arrear
or unpaid for thirty days next after any of the days on which the
ſame ought to have been paid, that then the perſon or perſons from
whom the ſame ſhall be due, ſhall be ſubject to the like forfeiture
of their rights and privileges in the ſaid library, as is mentioned
and provided in the charter of the ſaid ſociety.

Academies.

CHAP. XXX.

Contents.

1. Incorporated academies, Preſidents thereof may be choſen.
2. Preſidents, their duty.

An ACT *relative to Academies.*

Paſſed March 8th, 1802.

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it ſhall and may be lawful for the 1
truſtees of any incorporated academy within this ſtate, when le-
gally convened, to chooſe by a majority of votes, one of their body,
a preſident for one year, or until another ſhall be choſen in his
room ; which preſident, ſo choſen, ſhall do and perform all the 2
duties required to be done by the ſenior truſtee of ſuch academy,
in purſuance of an act, entitled "An act to inſtitute an univerſity
within this ſtate, and for other purpoſes therein mentioned ;" any
thing in the ſaid act to the contrary in any wiſe notwithſtanding.

Baptist Church.

CHAP. XXVII.

Contents.

1. Stile of the Baptiſt Church meeting in Roſe-ſtreet, N. York.
2. in Fayette-ſtreet.
3. Entitled to all the privileges of other religious ſocieties.

An ACT *to alter the Name and Stile of two Religious Societies, known by the Name and Stile of the Second Baptist Church, in the City of New-York.*

Paſſed March 8th, 1802.

WHEREAS it is repreſented by the truſtees of the two re-
ligious ſocieties, known by the name and ſtile of the ſe-

State Loan.

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or unpaid for thirty days next after any of the days on which the
ſame ought to have been paid, that then the perſon or perſons from
whom the ſame ſhall be due, ſhall be ſubject to the like forfeiture
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gally convened, to chooſe by a majority of votes, one of their body,
a preſident for one year, or until another ſhall be choſen in his
room ; which preſident, ſo choſen, ſhall do and perform all the 2
duties required to be done by the ſenior truſtee of ſuch academy,
in purſuance of an act, entitled "An act to inſtitute an univerſity
within this ſtate, and for other purpoſes therein mentioned ;" any
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Baptist Church.

CHAP. XXVII.

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2. in Fayette-ſtreet.
3. Entitled to all the privileges of other religious ſocieties.

An ACT *to alter the Name and Stile of two Religious Societies, known by the Name and Stile of the Second Baptist Church, in the City of New-York.*

Paſſed March 8th, 1802.

WHEREAS it is repreſented by the truſtees of the two re-
ligious ſocieties, known by the name and ſtile of the ſe-

cond baptist church in the city of New-York, that many inconveniences arise in the transaction of their affairs, relative to the temporalities of their respective churches, from the name and stile of both corporations being the same: For remedy whereof,

I. *Be it enacted by the People of the State of New-York, represented*
1 *in Senate and Assembly*, That the society or corporation, known by the name of the second baptist church in the city of New-York, whose usual place of meeting is in Rose-street in said city, shall for ever hereafter be known by the name and stile of "The Bethel Baptist Church in New-York."

2 II. *And be it further enacted*, That the society or corporation, known by the name of the second baptist church in the city of New-York, whose usual place of meeting is in Fayette-street in said city, shall for ever hereafter be known by the name and stile of "The Baptist Church of Christ meeting in Fayette-street."

3 III. *And be it further enacted*, That the said societies or corporations, shall by the respective names and stiles aforesaid, be entitled to all the privileges, and subject to all the penalties, which other religious societies or corporations are subject and entitled to, by the act, entitled "An act to provide for the incorporation of religious societies."

Dutch Church.

CHAP. XLIII.

CONTENTS.

1. Dutch Church in Albany, amount of annual revenue increased
2. Triennually to exhibit an account and inventory thereof.

An ACT *for the Relief of the Minister, Elders and Deacons of the Reformed Protestant Dutch Church, in the City of Albany.*

Passed March 19th, 1802.

WHEREAS the minister, elders and deacons of the Reformed Protestant Dutch church, in the city of Albany, have by their petition represented to the legislature, that they are possessed of certain real property within the said city, which it will be highly advantageous to themselves and beneficial to the said city to have improved and rendered productive; but that they are apprehensive their yearly income will thereby be encreased beyond the sum to which it is at present limited by law: Therefore,

Be it enacted by the People of the State of New-York, repre-
1 *sented in Senate and Assembly*, That it shall be lawful for the aforesaid minister, elders and deacons to have, hold and enjoy lands, tenements, goods and chattels of the yearly value of seven thousand dollars, any thing contained in the letters patent by which they were incorporated, or in any law of this state, to the
2 contrary notwithstanding; *Provided always*, That the said minis-

ter, elders and deacons ſhall once in every three years after the paſſing of this act, exhibit ſuch account and inventory of their annual revenue, and in ſuch manner as is preſcribed by the ninth ſection of the act, entitled "An act to provide for the incorporation of religious ſocieties."

Bloomfield Church.

CHAP. LVII.

Contents.

1. Firſt Congregational Society in Bloomfield incorporated.
2. Eſtate purchaſed ſince a certain day, Truſtees to hold.
3. Triennial returns of property to be made.

An ACT *for incorporating a Religious Society in the Town of Bloomfield, and County of Ontario.*

Paſſed March 30th, 1802.

WHEREAS the name or ſtile of the firſt congregational ſociety in the town of Bloomfield, in the county of Ontario, was omitted in the certificate of the incorporation of the ſaid ſociety, by reaſon whereof the ſame incorporation has become invalid, and the temporalities of ſaid ſociety endangered thereby: For remedy whereof,

Be it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly, That the ſaid ſociety be, and it hereby is incorporated and eſtabliſhed by the name and ſtile of "The Firſt 1
Congregational Society in Bloomfield;" and that all the eſtate purchaſed by the truſtees of the ſaid ſociety, ſince the ſaid eighth 2
day of September, one thouſand ſeven hundred and ninety-five, and not by them again alienated, be and the ſame hereby is veſted and confirmed to them and their ſucceſſors in office, in as full and ample a manner as if the ſaid ſociety had been incorporated purſuant to the directions of the ſaid act; *Provided however*, That the ſaid ſociety ſhall hereafter make triennial returns, and con- 3
form in all things to the requiſitions of the "Act to provide for the incorporation of religious ſocieties," paſſed March 27th, 1801.

Aliens.

CHAP. XLIX.

Contents.

1. Alien inhabitants, purchaſes of lands made by them, valid.
2. Provided they do not exceed 1000 acres.
3. Aliens, on ſelling their lands, capable of taking mortgages.
4. Titles of lands, derived from Aliens, not to be impeached.
5. Provided they are not for military or bounty lands.
6. Recording of certain Conveyances, time for extended.

An ACT *to enable Aliens to purchase and hold Real Estates, within this State, under certain Restrictions therein mentioned.*

Paſſed March 26th, 1802.

WHEREAS many good and induſtrious perſons, being aliens, have emigrated to this ſtate, with an intention to ſettle and reſide therein, and have expended the greater part of their capital in purchaſing and improveing real property: and whereas ſuch emigrations have tended to promote as well an improvement in the agriculture as the manufactures of the ſtate; and it is deemed juſt and right not only to protect the property which they have acquired, but alſo to encourage others to ſettle and reſide within this ſtate, by enabling them to purchaſe and hold real property. Therefore,

I. *Be it enacted by the People of the State of New-York, represent-*
1 *ed in Senate and Assembly*, That all purchaſes of lands made or to be made by any alien or aliens who have come to this ſtate and become inhabitants thereof, ſhall be deemed valid to veſt the eſtate to them granted, and it ſhall and may be lawful to and for ſuch alien or aliens, to have and to hold the ſame to his, her or their heirs or aſſigns for ever, and to diſpoſe of the ſame, any plea
2 of alieniſm to the contrary thereof notwithſtanding; *Provided*, That any purchaſe hereafter to be made by any ſuch alien, does not exceed one thouſand acres.

3 II. *And be it further enacted*, That in caſe any alien or aliens ſhall ſell and diſpoſe of any real eſtate, which by law they are entitled to hold and diſpoſe of, or which they may hereafter hold in virtue of this act, ſuch alien or aliens, his, her or their heirs or aſſigns, ſhall and may, and are hereby declared capable of taking a mortgage, in his, her or their own name or names, as a collateral ſecurity for the purchaſe money due thereon, or any part thereof.

4 III. *And be it further enacted*, That the title of any citizen or citizens of this ſtate, to any land or lands within this ſtate, heretofore conveyed to ſuch citizen or citizens, and now in the actual poſſeſſion of ſuch citizen or citizens, ſhall not be queſtioned or impeached, by reaſon of the alieniſm of any perſon or perſons, from or through whom ſuch title may have been derived; *Provided*,

That nothing in the ſaid laſt clauſe contained, ſhall extend to the military or bounty lands ſo called, in the counties of Onondaga and Cayuga. 5

VI. *And be it further enacted*, That all and every conveyance or conveyances executed in purſuance of the act, entitled "An act to enable aliens to purchaſe and hold real eſtates within this ſtate under certain reſtrictions therein mentioned," and which have not been recorded agreeably to the directions of the ſaid act, ſhall and may be recorded within twelve months after the paſſing of this act, and the lands thereby conveyed, ſhall not in ſuch caſe enure, or be deemed to enure to the uſe of the people of this ſtate. 6

Attainted Perſons.

CHAP. LXXXII.

CONTENTS.

1. Eſtates of attainted perſons, 25 per cent allowed for diſcovering.
3. ——— Perſons in poſſeſſion of, permitted to purchaſe.
2. Lands unoccupied, 1-4th part allowed the perſon diſcovering.
4. ——— Value how determined—quantity limited—payments how made.

An ACT *to facilitate the Discovery and Sale of the Estates of attainted Persons.*

Paſſed March 31ſt, 1802.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That in caſe the heir or heirs of any perſon who has been attainted or convicted of adhering to the enemies of this ſtate during the late war with Great-Britain, or any other perſon, ſhall diſcover and diſcloſe to the ſurveyor-general of the ſtate, any eſtate of ſuch attainted or convicted perſon, not heretofore diſpoſed of by the ſtate, and ſhall at the ſame time deliver to the ſurveyor-general, the title deeds and maps neceſſary to eſtabliſh the right of the people of this ſtate to ſuch property, ſuch heir or heirs or any other perſon, ſhall be entitled to receive on the ſale of any ſuch eſtate, twenty-five per cent of the money for which the ſame eſtate ſhall be ſold; and in caſe the lands of any ſuch attainted or convicted perſon, ſhall have remained vacant and unoccupied, ſuch heir or heirs or any other perſon, ſhall, if he or they ſhall elect the ſame, receive one fourth part of ſuch land, to be divided and aſſured to him or them by the ſaid ſurveyor-general, inſtead of ſuch per centage on the ſale as aforeſaid; *Provided nevertheless*, That this act ſhall not extend to any lands where ſuits are already commenced by the attorney-general, to aſcertain the title thereof. 1 2

II. *And be it further enacted*, That in caſe any citizen of this ſtate ſhall be in the poſſeſſion and improvement of any land for- 3

ſented to the people of this ſtate, and diſcovered as aforeſaid, or
4 that has been or may hereafter be diſcovered, it ſhall be lawful for the ſaid ſurveyor-general to cauſe ſuch land to be appraiſed at the expence of the occupant, excluſive of the improvement made thereon ſubſequent to ſuch forfeitures, and to convey the ſame to the occupant thereof, not exceeding two hundred and fifty acres, to any one occupant, on ſuch occupant's paying into the treaſury of this ſtate one ſixth part of ſuch appraiſed value within nine months after ſuch appraiſement, and the reſidue within eight years thereafter, with an intereſt of ſix per cent to be paid annually thereon, to be ſecured to the ſtate by a mortgage upon the premiſes, as near as may be in the form of the mortgages of lands ſold in the late Indian reſervations; and it ſhall be the duty of the ſurveyor-general, in caſe he ſhall deem the ſame neceſſary, to cauſe ſuch lands to be ſurveyed, before the ſame ſhall be ſold as aforeſaid.

Pot and Pearl-Aſhes.

CHAP. XIX.

Contents.

2. Aſhes, inſpected at certain places, may be vended at N. York, or exported, without re-inſpection.
3. ——— How diſtinguiſhed in the invoice or weigh-note.
5. ——— Penalty for mixing any improper ſubſtances with.
4. 8th Section of amended Act, repealed.
1. Inſpectors in the cities of N. York and Albany, numberi lmitted.
6. Manufacturers, to brand their names on each caſk.
7. ———Penalty on them, for neglect thereof.

An ACT *to amend the Act, entitled "An Act concerning the Inſpection of Pot and Pearl-Aſhes, passed April 7th,* 1801."

Paſſed March 3d, 1802.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly,* That the perſon adminiſtering the
1 government of this ſtate, by and with the advice and conſent of the council of appointment, ſhall from time to time appoint ſuch and ſo many inſpectors of pot and pearl-aſhes, in the cities of New-York and Albany, not leſs than two nor more than ſix in number, in each of the ſaid cities, as may be neceſſary for a ſpeedy inſpection of the ſaid articles, as the ſame may be offered for that purpoſe in ſaid cities, any thing in the act, entitled "An act concerning the inſpection of pot and pearl-aſhes," to the contrary notwithſtanding.

II. *And be it further enacted,* That pot or pearl-aſhes, inſpected
2 in the city of Albany, or other city or place of trade upon the Hudſon-river, where inſpectors have been or may be appointed,

may be vended or disposed of in the city of New-York, and from thence shipped for exportation out of this state, without any further or other inspection in the said city of New-York.

III. *And be it further enacted*, That it shall not be lawful for 3
any inspector of pot or pearl-ashes to distinguish the quality of the same in the invoice or weigh-note thereof, by any other denomination, under the description of damage or otherwise than is directed by the second section of the said recited act.

IV. *And be it further enacted*, That the eighth section of the 4
said recited act, shall be, and is hereby repealed.

V. *And be it further enacted*, That if any person shall intermix 5
with pot or pearl-ashes, any stone, lime, salt or other improper substance, whereby the quality of such pot or pearl-ashes shall be prejudiced or reduced, and be thereof duly convicted, every such person shall forfeit the sum of twenty dollars for every such offence, to be recovered in an action of debt, in any court having cognizance thereof, the one moiety to the use of the people of this state, and the other to the benefit of such person as shall prosecute therefor.

VI. *And be it further enacted*, That every person who shall 6
manufacture any pot or pearl-ashes, from and after the first day of June next, shall with a distinguishable brand or marking-iron, impress upon each cask of pot or pearl-ashes of his own manufacture, the initial letters of his christian name, and his firname at full length, before the removal of such cask from the place of manufacture, under the penalty of five dollars for every cask so 7
removed without being branded or marked as aforesaid, to be recovered and applied as is in the foregoing clause provided.

Beef and Pork.

CHAP. CXVII.

Contents.

2. Beef and Pork, from another state, having been there inspected, may be exported from this state without re-inspection.
1. Fifteenth section of a former act amended and extended.
3. Heading and Staves for meat barrels, need not be of the same kind of timber.

An ACT *to amend an Act for the Repacking and Inspection of Beef and Pork.*

Passed April 5th, 1802.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the provisions contained
in the fifteenth section of the act hereby amended, shall extend to 1
the putting up of one hundred barrels of beef in barrels or half barrels, and to the putting up of the like quantity of pork in the like manner; and it shall not be necessary for any person, in or-

der to avail himſelf of the proviſions of the ſaid ſection, to put up both the ſaid quantities; which ſaid beef or pork ſo put up, may be ſold and exported by any perſon without any further inſpection.

2 II. *And be it further enacted*, That any beef or pork that may hereafter be brought into this ſtate, from any neighboring ſtate, that ſhall have been inſpected and branded in ſuch ſtate, conformably to the laws thereof, may be exported from this ſtate without re-inſpection; *Provided*, Such beef or pork ſhall be accompanied by a certificate from the inſpector, by whom the ſame was ſo inſpected and branded, ſpecifying the marks, numbers and quality.

3 III. *And be it further enacted*, That ſo much of the act, entitled "An act for the repacking and inſpection of beef and pork," paſſed the 4th day of April, 1801, as requires that all barrels and half barrels, in which any beef and pork ſhall be repacked, to be made of ſtaves clear of ſap, and as requires that ſtaves and heading ſhall be of the ſame kind of timber, be and the ſame is hereby repealed.

Heading.

CHAP. XC.

Contents.

Heading made of good White Aſh Timber, may be exported.

An ACT *to amend "An Act to regulate the Culling of Staves and Heading," passed 24th March*, 1801.

Paſſed April 1ſt, 1802.

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That from and after the paſſing of this act, heading made of good white aſh timber, and of the ſize, dimenſions and deſcriptions, except as to ſap, of the white oak heading mentioned in the firſt ſection of the act hereby amended, ſhall and may be exported out of this ſtate to any foreign country, the ſame being firſt culled agreeable to the directions of the ſaid act.

Land-Office.

CHAP. XCI.

Contents.

Powers of the Commiſſioners, in reſpect to defective Titles in Lands granted by the State, extended.

An ACT *to amend the Act, entitled "An Act concerning the Commissioners of the Land-Office and the Settlement of Lands."*

Paſſed April 1ſt, 1802.

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the fifteenth ſection of the act,

entitled "An act concerning the commiſſioners of the land-office and the ſettlement of lands," ſhall and hereby is declared to extend to authoriſe the extinguiſhment in the manner and under the proviſion in the ſaid ſection contained, of ſuch claims as may exiſt againſt the ſtate, in conſequence of a defect of title in the ſtate to any lands granted under the authority of this ſtate; *Provided however*, That the ſums of money to be paid in ſatisfaction and extinguiſhment of any ſuch claim, ſhall in no caſe exceed the principal monies paid for the purchaſe of any tract of land, and an intereſt thereon of ſix per cent per annum.

Paupers.

CHAP. LII.

Contents.

1. Children born of ſlaves, abandoned by thoſe entitled to their ſervice, ſum to be paid for their maintenance, limitted.
3. ——— When arrived at a certain age, payments for their maintenance to be diſcontinued.
2. Contracts, heretofore made by overſeers of the poor, not affected by this act.

An ACT *amending the Act, entitled "An Act concerning Slaves and Servants."*

Paſſed March 26th, 1802.

I. BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That wherever any child born of a ſlave ſince the fourth day of July, in the year one thouſand 1
ſeven hundred and ninety-nine, has been or hereafter ſhall be abandoned by the perſon entitled to the ſervice of ſuch child, in the manner directed in and by the tenth ſection of the act hereby amended, and thereby become a pauper of any city or town, the overſeers of the poor of ſuch city or town, ſhall, inſtead of the ſum mentioned in the ſaid tenth ſection of the ſaid act, be entitled from and after the paſſing of this act, to receive from the treaſurer of this ſtate, not exceeding the ſum of two dollars per month, to be paid on the evidence and in the manner directed in and by the ſaid tenth ſection of the ſaid act; *Provided*, That no contract already made by the overſeers of the poor ſhall be af- 2
fected by this act.

II. *And be it further enacted*, That no payments ſhall be made 3
to the overſeers of any city or town for the maintenance of any ſuch pauper, after he or ſhe ſhall arrive at the age of four years, unleſs it ſhall be made to appear to the comptroller, that ſuch pauper is either ſo decripid or infirm that it will be impracticable to bind out ſuch pauper.

Horſe-Racing.

CHAP. XLIV.

Contents.

5. Bets on any race, forfeited by the perſons making them.
8. Contracts, on account of any race, or game of chance, void.
6. Forfeitures, how recovered and applied.
4 Horſes kept for racing, penalty on owners.
1. Horſe-Racing for money, &c. declared a public nuiſance.
2. ——Authors, abettors, ſtakeholders thereof, &c. how puniſhed.
9. Money paid on any bet, &c. how recovered.
3. Officers of juſtice ſtrictly enjoined to execute this law.
7. Perſons raiſing a purſe, plate, &c. what to forfeit.
10. Racing, whether for wager or not, within half a mile of any court, a miſdemeanor.
11. Raffling, penalty on any perſon concerned in.

An ACT *to prevent Horse-Racing, and for other Purposes therein mentioned.*

Paſſed March 19th, 1802.

I BE *it enacted by the People of the State of New-York, represented*
1 *in Senate and Assembly*, That all racing and running, pacing or trotting of horſes, mares or geldings, for any bet or ſtakes, in money, goods or chattels, or other valuable thing, ſhall be and hereby are declared to be common and public nuiſances, and of-
2 fences againſt this ſtate; and the authors, betters, ſtakers, ſtakeholders, parties, contrivers and abettors thereof, ſhall be proceeded againſt, and puniſhed by fine or impriſonment at the diſcretion
3 of any court having cognizance thereof; and all public officers concerned in the adminiſtration of juſtice, are hereby ſtrictly enjoined to cauſe this act to be faithfully executed.

4 II. *And be it further enacted*, That from and after the firſt day of Auguſt next, the owner or owners of every horſe, mare or gelding, that ſhall be uſed, employed or improved in horſe-racing, within this ſtate by his or their privity or permiſſion, whereon any ſtakes are held, or any bets or wagers laid or dependent, either directly or indirectly, ſhall forfeit for every race ſo run, the value of every ſuch horſe, mare or gelding employed as aforeſaid;
5 and that every perſon or perſons concerned in laying any bet or bets, or wagers on ſuch race or races, ſhall forfeit the amount of the wager, bet or ſtake by any perſon or perſons ſo laid, made or ſtaked.

6 III. *And be it further enacted*, That any and every ſuch forfeiture, ſhall and may be recovered by action of debt, bill, plaint or information, before any court having cognizance thereof, and ſhall be applied, the one half to the uſe of any perſon or perſons who

ſhall proſecute the ſame to effect, and the other half to the overſeers of the poor for the uſe of the city or town where ſuch race or races ſhall be run, or ſuch wager, bet or ſtake ſhall be laid, made or depoſited.

IV. *And be it further enacted*, That if any perſon or perſons ſhall 7
contribute or collect, or ſolicit any other to contribute or collect any money, goods or chattels to make up a purſe, plate, or other thing or things, to be run for by any horſe, mare or gelding, at any place in this ſtate, ſuch perſon or perſons ſo offending, ſhall forfeit the ſum of twenty-five dollars, for each and every offence, to be recovered and applied as aforeſaid.

V. *And be it further enacted*, That all and every contract here- 8
after to be made and entered into, for or on account of any ſum or ſums of money, or other thing, bet or ſtaked, or depending on any ſuch race or races as aforeſaid, or concerning the ſame, or for or on account of any gaming by lot or chance of any kind, or under any deſcription whatever, ſhall be deemed and adjudged
void in law; and it ſhall be lawful for any perſon who may have 9
paid any money or other thing upon the iſſue or event of any ſuch race or game, to recover the ſame in like manner as is provided in the ſecond and third ſections of the Act, entitled "An Act to prevent exceſſive and deceitful gaming," paſſed the 21ſt of March, 1801.

VI. *And be it further enacted*, That all racing or running of 10
horſes, mares or geldings, during the ſitting of any court, and within one half mile thereof, whether the ſame be for any bet or wager or not, ſhall be deemed and adjudged a miſdemeanor, and the parties concerned therein ſhall be puniſhed accordingly.

VII. *And be it further enacted*, That every perſon who ſhall 11
raffle for any ſum of money, goods or chattels, ſhall for every ſuch offence be liable to pay the ſum of two dollars, to be recovered before any court having cognizance thereof, with coſts of ſuit, and every perſon who ſhall ſet up any money, goods or chattels to be raffled for, ſhall be liable to pay the ſum of ten dollars, to the uſe of the poor of the town in which any ſuch offence ſhall be committed; and it ſhall be the duty of the overſeers of the poor of ſuch town, and they are hereby authoriſed to proſecute in their own name therefor.

Highways.

CHAP. LXXV.

An ACT *to explain the Sixteenth Section of the Act, entitled "An Act to regulate Highways."*

Paſſed March 30th, 1802.

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the twelve freeholders to be

summoned in pursuance of the sixteenth section of the act, entitled "An act to regulate highways," may in their certificate, under oath, omit the word "absolutely," and the same certificate shall be as valid as though the said word had been therein contained.

Military Stores.

CHAP. LXXXV.

Contents.

1. Duty of the Commissary in respect to the collection of the public arms, cannon, &c.
2. ——— In respect to their safe keeping, repairing, &c.
3. ——— To report a state of the public stores to the Gov.
4. ——— With consent of the Gov. to sell damaged powder, &c.
5. ——— To account for and pay the proceeds of all such sales.
6. ——— To keep in good repair the arsenals, &c.
10. His salary increased to 500 dollars per annum.
9. Expences incurred by the Commissary, how paid.
7. Governor to prescribe rules for direction of the Commissary.
8. ——— To report to the Legislature annually, a state of the premises confided to the Commissary.

An ACT *designating the Duties of the Commissary of Military Stores, and relative to the Arsenals and Public Stores.*

Passed April 1st, 1802.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall be the duty of the
1 commissary of military stores, and he is hereby required and directed, with all convenient dispatch, to collect and deposit in the arsenals, stores and proper repositories, all the arms, cannon, accoutrements, powder, balls, warlike stores, and implements of
2 every description, the property of this state; and at all times hereafter carefully to attend to the due preservation, safe keeping, cleaning and repairing of the same, in such manner as he shall from time to time be required and directed to do, by the person administering the government of this state, who is hereby authorised from time to time, in his discretion, to order and direct whatever relates to or shall or may be necessary in and about the premises.

3 II. *And be it further enacted*, That it shall be the duty of the said commissary of military stores, and he is hereby required to report to the person administering the government of this state, at least once in every six months, the true and actual state, disposition and situation, of all and singular the warlike stores, property, matters and things, intrusted to his care and superintendance, and

whatever in any wife appertains to or refpects his department as commiffary of military ftores.

III. *And be it further enacted*, That it fhall be the duty of the 4
faid commiffary of military ftores, under the direction and with the approbation of the perfon adminiftering the government of this ftate, from time to time, as occafion may require, to difpofe of to the beft advantage, all damaged powder, and all arms, ammunition, accoutrements, tools, implements and warlike ftores of every kind whatfoever, that fhall or may be deemed to be unfuitable for the ufe of the ftate, and from time to time to render a 5
juft and true account, of all fuch fales, with all convenient fpeed, to the perfon adminiftering the government of this ftate, and pay the proceeds of fuch fales into the treafury of this ftate.

IV. *And be it further enacted*, That it fhall be the duty of the 6
commiffary of military ftores, and he is hereby required, without delay, to caufe all and every of the arfenals, ftores and repofitories of warlike implements, to be put, kept and continued in perfect, complete and ample repair, under the direction and controul of the perfon adminiftering the government of this ftate.

V. *And be it further enacted*, That it fhall and may be lawful 7
for the perfon adminiftering the government of this ftate, and he is hereby required from time to time, at his difcretion, to order, form and eftablifh all neceffary rules, regulations and orders, in any wife relative or appertaining to the conduct and duties of the commiffary of military ftores; and that it fhall be alfo his 8
duty to report annually to the legiflature, a true and particular ftate and fituation of all and fingular the premifes confided to or in any wife connected with the faid commiffary.

VI. *And be it further enacted*, That a juft and true account of 9
all and fingular the expences neceffarily incurred in and about the above premifes, fhall by the faid commiffary of military ftores be fairly and particularly ftated and kept, and once at leaft in every fix months be delivered to the perfon adminiftering the government of this ftate, who fhall thereupon direct the comptroller of this ftate, to examine and audit the fame; and after fuch examination and auditing, the faid comptroller fhall, and he is hereby required, to draw his warrant on the treafurer, who is hereby required to pay the fame, for fuch fum or fums as fhall be audited and certified to be due as aforefaid.

VII. *And be it further enacted*, That the annual falary of the 10
faid commiffary of military ftores fhall be increafed to five hundred dollars, to be paid quarter yearly.

Militia.

CHAP. CXX.

Contents.

1. Adjutant General, his duty in diſtributing the Militia Law.
2. ——— His Salary.
18. ——— Official Letters, his account for, to be audited and paid.
13. Adjutants & Capts. their duty in reſpect to fines and penalties.
17. Artillery, another regiment may be organized in New-York.
14. Beats of Companies, by whom to be arranged and fixed.
3. Brigade Inſpector, penalty on, for neglect of duty.
ib. ——— If abſent, Brigadier to ſelect a proper officer to perform his duty.
10. ——— To make return of officers who neglect to provide themſelves with uniforms.
15. ——— Compenſation, if fines are inſufficient for, how made.
6. Coaſting Trade, perſons employed in, exempted from Militia duty.
16. Fines, how impoſed and recovered.
7. Non-attendance, fines for may be encreaſed.
8. N. C. Officers, penalty for not warning Company to parade.
4. Officers for not returning Delinquents or Quakers, may be fined or caſhiered.
9. ——— For not providing themſelves with uniforms, liable to be fined.
11. ——— Hats and cockades, faſhion of.
12. Reſignations, by whom to be approved.
5. Spectators, abuſing any perſon on parade, to be put under guard.

An ACT *to amend the Act, entitled "An Act to organize the Militia of this State."*

Paſſed April 5th, 1802.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That in addition to the duties now required by law of the adjutant-general of this ſtate, it ſhall be the duty of the ſaid adjutant-general, to furniſh at the expence of the ſtate, the commandants of regiments and companies, through the brigadier-generals, the militia law of this ſtate, and for that purpoſe the ſecretary of this ſtate is hereby required to have printed, under his direction, as many copies as may be neceſſary of the ſaid law, and deliver them to the ſaid adjutant-general, as ſoon as may be, after the paſſing of this act; and that the ſaid adjutant-general, may in his diſcretion attend as heretofore, the review and inſpection of any regiment or corps, any thing in this act contained to the contrary thereof in any wiſe notwithſtanding.

II. *And be it further enacted*, That the ſaid adjutant-general for his ſaid ſervices, ſhall have and receive an annual ſalary of eight hundred dollars, which ſhall be paid to him by the treaſurer of this ſtate, on the warrant of the comptroller thereof, in quarter-yearly payments, which warrant the comptroller is hereby directed to iſſue. 2

III. *And be it further enacted*, That in caſe any brigade inſpector, ſhall wilfully neglect or omit to perform the duties required of him by law, he ſhall for every ſuch offence forfeit and pay twenty-five dollars, to be recovered in like manner as the other penalties are by this act recoverable: And that in caſe the brigade inſpector is, from any unavoidable circumſtance, prevented from doing his duty, the brigadier-general may ſelect a proper officer from his brigade to do that duty, who ſhall be entitled to receive ſuch compenſation therefor, as the brigadier ſhall deem adequate, to be deducted from the allowance made by law to ſuch inſpector. 3

IV. *And be it further enacted*, That all officers who ſhall or may refuſe or neglect to make juſt returns, as by law directed, of all delinquents, or ſhall neglect or refuſe to make a return of the people called Quakers within their reſpective beats, agreeably to the thirty-ninth ſection of the act hereby amended, ſhall be caſhiered or fined not leſs than twenty dollars nor more than fifty dollars. 4

V. *And be it further enacted*, That if any ſpectator or byſtander, ſhall abuſe, moleſt or ſtrike any one when on parade or under arms, the perſon ſo offending ſhall be immediately put under guard, kept at the diſcretion of the commandant of the regiment, company or corps, until the ſetting of the ſun of the ſame day on which ſuch offence ſhall be committed. 5

VI. *And be it further enacted*, That perſons actually engaged and employed in the coaſting trade for ſix months in the year, ſhall be exempted from military ſervice, during ſuch employ, in like manner as mariners are by law excepted and exempted. 6

VII. *And be it further enacted*, That the fine for delinquency for non-attendance on parade may be increaſed ſo as not to exceed five dollars: And further, that any non-commiſſioned officer, who ſhall neglect or refuſe to warn the company to parade in the beat to which he belongs, when thereunto required by his captain or commanding officer, ſhall pay a fine not exceeding fifteen dollars. 7 8

VIII. *And be it further enacted*, That it ſhall be the duty of all officers to furniſh themſelves with their uniforms and ſide arms, as by law directed, within ſix months after the paſſing of this act, or if hereafter appointed, within ſix months after the receipt of their commiſſion, and that in default thereof, every ſuch officer ſhall forfeit and pay a fine of twenty-five dollars; and it ſhall be the duty of the brigade inſpectors, and they are hereby required to make particular returns of ſuch delinquents to the commander in chief, ſtating the name, grade and rank of every ſuch delinquent. 9 10

11 IX. *And be it further enacted*, That cocked hats, with the cockade of the army of the United States, ſhall be part of the uniform of all the officers of the militia of this ſtate, except where otherwiſe directed.

12 X. *And be it further enacted*, That all reſignations hereafter to be made, ſhall be approved of by the commandants of regiments and the brigadier-general of the regiment or brigade to which the officer ſo reſigning belongs: And that it ſhall be the duty of ſuch commandants and brigadiers to receive or approve of no reſignation whatever, but upon good and ſufficient and reaſonable cauſes and excuſes.

13 XI. *And be it further enacted*, That it ſhall be the duty of the adjutants, in the reſpective regiments to which they ſeverally belong, to prepare an abſtract or liſts of the ſeveral fines and penalties by law created, as far forth as reſpects the militia of this ſtate, and read the ſame at the head of the regiment at every regimental parade; and it ſhall be the duty of the ſeveral commandants of companies and corps in like manner to do the ſame at each company parade.

14 XII. *And be it further enacted*, That it ſhall be the duty of the reſpective commandants of regiments, with the advice and approbation of the brigadier-general, and they are hereby authoriſed, from time to time, to arrange, form, direct and fix the beats of companies, and to divide and annex companies as occaſion ſhall or may require, if, in their opinion, ſuch junction ſhall be practicable and proper.

15 XIII. *And be it further enacted*, That in caſe fines are not collected ſufficient for the payment of the ſum by law allowed to the brigade inſpectors, it ſhall be the duty of the brigadier-general, after having aſcertained the deficiency in the premiſes, to certify ſuch deficiency to the comptroller of this ſtate, who ſhall thereupon draw his warrant in favour of ſuch inſpector on the treaſurer for ſuch ſum, which ſum the ſaid treaſurer is hereby required to pay.

16 XIV. *And be it further enacted*, That all fines created by this act ſhall be impoſed, proſecuted for, and recovered in like manner as fines are directed to be impoſed, proſecuted for and recovered in and by the act hereby amended.

17 XV. *And be it further enacted*, That it ſhall and may be lawful for the commander in chief, whenever he ſhall deem it expedient, to organize a ſecond regiment of artillery in the city and county of New-York, agreeably the ſixth ſection of the act hereby amended.

18 XVI. *And be it further enacted*, That the comptroller of this ſtate ſhall audit the account of the adjutant-general, for the poſtage of official letters received by him quarter yearly, and the amount thereof ſhall be paid by the treaſurer of this ſtate, on the warrant of the comptroller.

Taxes.

CHAP. CXVIII.

Contents.

5. Assessors' duty with respect to lands of non-residents.
3, 4. Comptroller, his duty.
7. County Treasurers, who have paid more money than was due from them, excess how refunded.
1. Lands taxed in gross, owners to pay in proportion to the quantity by them held.
2. ——— Residue of the tax to remain a lien on.
3. ——— More than once assessed, remedy provided.
6. Taxes not paid before a certain day, persons owing, to pay a certain sum to defray expences of advertising.

An ACT *to amend the Act, entitled "An Act for the Assessment and Collection of Taxes."*

Passed April 5th, 1802.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That if a sum in gross has been 1
or shall be assessed upon any lot or tract of land, owned by more than one person, either in severalty, joint-tenancy, or tenancy in common, each owner may pay any part of the tax proportionate to the number of acres owned by him or to the value thereof, when that can be ascertained by the comptroller, to the treasurer of this state, on a certificate to be given by the comptroller, and the remainder of the tax shall be a lien upon the residue of 2
the land only: And whenever it shall appear satisfactorily to the 3
comptroller, that the same land has been or shall be assessed more than once by the assessors, or by the assessors of different towns, he shall remit the excess; or if the whole tax be paid, shall at his discretion either credit such excess to the person paying the same, on his taxes in any subsequent years, or draw his warrant on the treasurer for the payment thereof; and the comptroller 4
shall transmit an account of such excess to the supervisors of the county, who shall cause the same to be raised in the town, the assessors of which have committed the error.

II. *And be it further enacted*, That the assessors shall hereafter, 5
according to the best of their information and knowledge, set down in their assessment-rolls where the lands shall belong to non-residents, the patents in which the lands lie, the numbers of the lots, the quantity of acres and the value per acre.

III. *An be it further enacted*, That when a tax on real estate in 6
any year shall not be paid before the first Tuesday of July, the person liable therefor shall pay the sum of twenty-five cents, to the treasurer of this state, towards defraying the expence of publishing the arrears of taxes; and if such sum be not paid, it shall be a lien on the land, and be collected in the same manner with the arrears of taxes.

vey and lay out all ſuch ſtreams as they may think proper, in order to aſcertain the beſt mode of furniſhing ſuch ſupply; and to lay and conduct any number of pipes, conduits or aqueducts through or over any of the ſaid lands, as they may ſee fit, to or towards the ſaid village, and in any and every part of the
8 ſaid village; and to agree with any owner or owners of any lands, tenements or hereditaments that may be damaged or affected by any of the ſaid operations, for and about a reaſonable compenſation to be made to him, her or them for ſuch lands, tenements or hereditaments, or the uſe thereof, as may be uſed or occupied for the purpoſes aforeſaid, or any of them, or for any damage which he, ſhe or they may ſuſtain, in uſing any ſuch lands, or the conducting, digging, laying, raiſing or making any ſuch reſervoirs, aqueducts, canals, trenches, pipes, conduits, dikes
9 or mounds as aforeſaid; but in caſe of diſagreement, to be ſettled and determined by any three diſcreet reputable freeholders of the town of Catſkill, to be choſen and agreed upon by the parties; and in caſes of refuſal or neglect by either party to nominate and appoint them, then to be nominated and appointed by any judge of the court of common pleas for the county of Greene not intereſted in the premiſes, at the requeſt of either party, and upon their determining the ſame, the ſaid company ſhall pay to the ſaid owners reſpectively, the ſum reported, under their hands and ſeals, in full compenſation for the ſame.

10 IV. *And be it further enacted*, That the treaſurer ſhall receive and pay out all monies collected by virtue of this act, agreeable to the orders and directions of the aſſociation; and the ſaid clerk ſhall enter in writing all the proceedings of the ſame aſſociation or company, when convened as aforeſaid under this act; and the ſaid collector ſhall levy and collect all ſuch taxes and ſums of money ſo as aforeſaid to be voted in purſuance of this act, agreeable to ſuch tax-liſts or aſſeſſment-rolls as ſhall be made out and delivered him by the ſaid clerk, the ſame being firſt by him certified and ſubſcribed, and ſhall pay the ſame monies over to the treaſurer of the ſaid aſſociation; and the ſaid collector ſhall have the like powers, and proceed in the like manner in the ſaid collection as is by law preſcribed to the collector of any town in the collection of the contingent charges of the county.

11 V. *And be it further enacted*, That all transfers of ſhares in the ſaid aſſociation or company ſhall be made and entered in a book to be by them provided for that purpoſe, under ſuch regulations as may be preſcribed by the ſaid aſſociation.

Toll-Bridges.

CHAP. XLII.

Contents.

20, 21. Accounts, how kept—and Dividends, how made.
17, 18. Bridge, how built—Penalty for forcibly paſſing, &c.
2. Company, Stile and corporate Rights of.
22. Certain Accounts to be lodged in the County Clerk's office.
23. Clerk of the County and Comptroller, their duty.
14, 24, 25. Corporation, when to be diſſolved.
3. Directors, five, to manage the concerns of the Company.
6. ——— Vacancy in Board of, how filled.
11. ——— To have the diſpoſition of the Funds.
13. ——— Powers veſted in them.
12. ——— Statement of their Proceedings, annually to lay before the Stockholders,
4, 5. Election, anniverſary day of—to be by Ballot.
7. Firſt Directors and Treaſurer named.
15. Gate to be erected at the Bridge.
24. Intereſt, Rate of, eſtabliſhed.
1. Perſons aſſociated for erecting a Toll-Bridge.
8. Preſident, Directors to appoint at their firſt meeting.
9, 10. Shares, number limitted—Votes apportioned.
16. Toll, Rates of, eſtabliſhed.
26. —— Perſons going to or from any Funeral, not to pay.
19. Toll-Gatherer, Penalty on him, for breach of duty.

An ACT *to authorise the Building a Toll-Bridge over Murderer's Creek, in Orange County.*

Paſſed March 16th, 1802.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Jonas Williams, Leonard 1
D. Nicoll, Jacob Powell, Jonathan Cooley and Joſeph Morrell, and ſuch other perſons as ſhall aſſociate with them for the purpoſe of building a bridge over the creek commonly known by the name of Murderer's creek, in the town of New-Windſor, in the county of Orange, in the moſt convenient place nearly oppoſite the dwelling houſe of John D. Nicoll, in ſaid town, ſhall be and hereby are made a corporation in fact and in deed, by the name of The directors and company of the Murderer's creek bridge 2
company, and by that name, they and their ſucceſſors ſhall and may have ſucceſſion, and ſhall be perſons in law capable of ſuing and being ſued, pleading and being impleaded, anſwering and being anſwered unto, defending and being defended in all courts and places whatſoever, in all manner of ſuits, actions and cauſes whatſoever, and that they and their ſucceſſors, ſhall be in law capable of purchaſing, holding and conveying any eſtate real or perſonal, for the public uſe of the ſaid corporation; *Provided*, That the whole eſtate of the ſaid corporation ſhall not exceed in value

Clark and Robert Bordwell, and ſuch other perſons as may become aſſociated with them for ſupplying the village of Utica with wholeſome water by means of aqueducts, ſhall be and are hereby made and created a corporation and body politic, by the name of
1 "The Utica Aqueduct Company;" and by that name ſhall be capable in law, to ſue and be ſued, plead and be impleaded, in any court of record, and to hold and enjoy ſuch real and perſonal eſtate as may be neceſſary for the attainment of the object aforeſaid, not exceeding five thouſand dollars in the whole, excluſive of the profits or income of the ſaid aqueducts.

2 II. *And be it further enacted*, That it ſhall and may be lawful for the perſons above named or either of them, or of their aſſociates, by notice to be publiſhed in the newſpaper printed in the ſaid village, or ſerved perſonally on the members of the company, or left at their uſual places of abode, at leaſt three days previouſly to any meeting, to convene the company at ſome convenient place
3 in the ſaid village; and ſuch of the members, being at leaſt a majority of the whole number, as ſhall ſo convene, ſhall be authoriſed by a vote of the majority preſent, to elect a treaſurer, clerk and collector of the company, and to appoint ſuch other agents and ſuperintendents as may be neceſſary to carry into ef-
4 fect the objects of this incorporation; to make and ordain ſuch bye laws, rules and regulations as they may deem neceſſary to at-
5 tain and preſerve the objects aforeſaid; to impoſe penalties, not exceeding ten dollars for one offence, for a breach of ſuch bye laws, rules and regulations; and to prevent injuries to the conduits or aqueducts of the company, or drawing water therefrom
6 without due authority from the company; and to aſſeſs and collect, from the members of the company, their juſt and equal ſhares of the expences that may be incurred in and about the concerns of the company; and to inſtitute ſuch ſuits as may be neceſſary to recover all ſuch monies as may become due to the company, for water diſtributed from the ſaid conduits.

7 III. *And be it further enacted*, That the ſaid treaſurer ſhall receive and pay out all monies collected by virtue of this act, ſubject to the orders of the company; and the ſaid clerk ſhall, in a book to be provided for that purpoſe, enter in writing, all the proceedings of the company when convened as aforeſaid, and ſhall make out and deliver to the collector a tax-liſt or aſſeſſment-roll, by him duly certified, of all ſuch taxes or ſums of money as may be collectable of the members of the company, by virtue of this act; which collector ſhall proceed to collect the monies contained in ſuch tax-liſt, in like manner as the collector of any town is by law authoriſed to levy and collect the taxes committed to him for that purpoſe, and ſhall pay over the monies by him collected to the ſaid treaſurer.

8 IV. *And be it further enacted*, That all tranſfers of ſhares in the ſaid company ſhall be made and entered in writing in a book for that purpoſe, under ſuch regulations as may be preſcribed by the company.

Albany Water-Works.

CHAP. VII.

Contents.

18. Appraisers of Damages, Justice of the Peace to appoint.
19. ——— To report their appraisement to the Justice.
16, 21. Conduits may be laid thro any part of Albany & Watervliet.
23. ——— Penalty for wilfully injuring.
12. Clerks, Superintendant, &c. to be appointed.
22. Contracts with Benjamin Prescott, not to be contravened.
17. Damages, to be appraised, in case of disagreement.
20. ——— Trustees to pay the value of, as appraised.
13. Dividends, to be made and declared.
5. Election of Trustees, anniversary day of.
6. ——— Mode of conducting, prescribed.
7. ——— To be by ballot—personally or by proxy.
9. New Election, for what cause to be held.
3. Instalments to be paid on the requisition of the Trustees.
15. Penalties and Forfeitures, how imposed and recovered.
10. President to be chosen—If absent his place how supplied.
1. Stile and corporate Rights of the Company.
2. Stock, to consist of 400 shares, of 100 dollars each.
14. Transfers, Directors to prescribe how they shall be made.
4. Trustees, five to manage the concerns of the Company.
11. ——— Vacancy in board of, how filled.
12. ——— Their powers and authorities pointed out.
8. Votes of the Stockholders proportioned.

An ACT *to Incorporate the Proprietors of the Albany Water-Works.*

Passed 17th February, 1802.

WHEREAS certain persons have associated for supplying the city of Albany and its neighbourhood with water, and have by their petition prayed to be incorporated: Therefore,

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Stephen Lush, Philip S. Van Rensselaer, John Tayler, and their present associates, shall be and hereby are constituted a body corporate and politic, in fact and in name, by the name of "The Trustees and Company of the Albany Water Works," and by that name shall and may have continual succession, sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all manner of actions, matters and causes whatsoever; have a common seal, and make, change or alter the same at pleasure; purchase and take by conveyance from the said Stephen Lush, and the other trustees herein after named, who are now also trustees of the said associates, and hold and convey all the real estate acquired by them, by conveyance to and for the use of themselves and their associates, and to take hold and convey any other estate real or personal; *Provided*, Such real estate shall be necessary to attain the object of this incorporation; that the stock of the said corpo-

ration ſhall be deemed perſonal property, and ſhall conſiſt of four hundred ſhares of one hundred dollars each; that each of the preſent ſtockholders of the ſaid aſſociation ſhall be entitled to two ſhares of the ſaid ſtock created by this act for every ſhare they now hold reſpectively; that the ſums paid on each ſuch ſhare now held, ſhall be divided equally between the two ſhares ſo ſubſtituted
3 for the one ſhare now held by the preſent ſtockholders; and that the remainder of the ſaid ſum of one hundred dollars conſtituting a ſhare of ſtock created by this act, ſhall be paid by the perſons reſpectively holding ſuch ſhares, in ſuch proportions, and at ſuch periods of time as the ſaid truſtees ſhall direct and appoint, upon pain of forfeiture of their ſhares, and all previous payments there-
4 on to the ſaid truſtees, for the uſe of the company; that the management of the concerns of the ſaid company, ſhall be entruſted to five truſtees being ſtockholders and inhabitants of the city of Albany, which truſtees ſhall hold their offices for one
5 year from the firſt Tueſday of June in every year; that an election ſhall be held on the Tueſday preceding every ſuch firſt Tueſday of June in every year, at ſuch place in the city of Albany, and at ſuch hour as the ſaid truſtees ſhall from time to time appoint, by notification to be publiſhed in one of the public newſpapers printed in the ſaid city, at leaſt one day before ſuch election
6 day; that the election ſhall be held by ſuch perſon, being a ſtockholder, as the ſtockholders preſent, immediately before the opening of ſuch election and after the hour ſo appointed, ſhall by plurality of votes appoint; and ſuch perſon ſhall after he ſhall have then and there openly counted and eſtimated the votes, forthwith make return in writing under his hand, of the reſult of ſuch
7 election to the clerk of the truſtees; that all elections ſhall be by ballot, by the ſtockholders perſonally or by proxy, each ſtockhold-
8 er voting in the following proportions, to wit: One vote for every ſhare not exceeding four; five votes for ſix ſhares; ſix votes for eight ſhares; and one vote for every five ſhares above ten; but no perſon, co-partnerſhip or body politic ſhall be entitled to more than forty votes; and the five perſons having the greateſt
9 number of votes ſhall be truſtees; that if any two or more perſons have an equal number of votes, ſo as that five truſtees ſhall not be elected, the ſtockholders ſhall on the ſucceeding day, at the ſame place and at the ſame hour, in like manner elect, out of the perſons ſo having an equal number of votes, ſo many as ſhall
10 complete the number of five truſtees; that the truſtees ſhall on the ſecond Tueſday of June in every year elect one of their number preſident; that in caſe of the abſence of the preſident from any meeting, the truſtees preſent may by plurality of votes, ap-
11 point one of their number preſident for the meeting; and that in caſe of vacancy in the office of any of the ſaid truſtees by death, reſignation or removal from the ſaid city, others ſhall be elected by the ſtockholders in the manner aforeſaid, to fill ſuch vacancy; that Stephen Luſh ſhall be the firſt preſident, and Stephen Luſh, Jeremiah Van Renſſelaer, John Lanſing, junior, Philip S. Van Renſſelaer and John Tayler, the firſt truſtees of the ſaid company, to remain in office until the firſt Tueſday of June next.

II. *And be it further enacted*, That the truſtees ſhall be authoriſed 12
in their diſcretion to appoint a clerk, a ſuperintendent, and ſuch
other officers, agents and ſervants as they ſhall from time to time
deem neceſſary for carrying into effect the powers veſted in the
ſaid company; to declare the dividends on the ſtock of the ſaid 13
company; to eſtabliſh rules and regulations by ordinances and
bye laws, for and concerning the conduct and government of ſuch
officers, agents and ſervants; and for determining the compenſa-
tion to which they ſhall be entitled; and for and concerning the 14
manner of making transfers of the ſaid ſtock; and the conduct
and government of all ſuch perſons as ſhall uſe the water from
their works, ſo far as reſpects the preſervation of the water fur-
niſhed by the ſaid company, and the uſe thereof, and to reſtrain
the waſte thereof; and by ſuch bye laws and ordinances to im- 15
poſe penalties and forfeitures for a neglect or refuſal to comply
therewith, ſo as that ſuch penalty and forfeiture in any one caſe,
ſhall not exceed five dollars; which penalties or forfeitures ſhall be
recoverable in the name of the clerk or ſuperintendent before
any juſtice of the peace of the city or county of Albany, with
coſts, in an action of debt: And that for the purpoſe of effectu- 16
ally ſupplying the ſaid city, and the inhabitants in the neighbor-
hood thereof in the town of Watervliet with water, it ſhall and
may be lawful to and for the ſaid truſtees and company, to lay
and conduct any number of conduits neceſſary for, and calcula-
ted to ſupply ſuch water, through or over any lands in the city
of Albany or town of Watervliet; and in caſe of diſagreement 17
with the owner or owners of any lands or tenements, as to the
compenſation to be made for the injury committed by ſuch ope-
rations, or if the owner or owners thereof be out of the ſtate,
feme coverts, under age or inſane, that then, and in every ſuch 18
caſe, it ſhall be lawful for any juſtice of the peace of the city or
county of Albany, upon the application of the ſaid truſtees, to
appoint three indifferent perſons, being freeholders, to appraiſe
ſuch damages, and they or any two of them, ſhall, with all con-
venient ſpeed, make ſuch appraiſement, and report the ſame to 19
the juſtice who ſhall have made ſuch appointment, in writing,
ſubſcribed by them, which report the ſaid juſtice ſhall forthwith
cauſe to be filed in the office of the clerk of the ſaid county, with
a certificate to be ſubſcribed by him of his having made ſuch ap-
pointment: That the ſaid truſtees ſhall thereupon pay to the 20
owner or owners of ſuch lands or tenements, or perſon or per-
ſons legally authoriſed to receive the ſame, whenever he, ſhe or
they ſhall demand it, the amount of ſuch damages, and ſhall
forthwith after ſuch appraiſement ſhall have been completed, pay
to ſuch juſtice all the coſts, charges and expences, attending the
making of the ſaid appraiſement, and perfecting ſuch report,
which payments ſhall be deemed a full compenſation for ſuch in-
jury: And that it ſhall and may be lawful to and for the ſaid truſ- 21
tees and company, to conduct and lay their conduits below the
ſurface of any ſtreet or public highway, in the ſaid city or town
of Watervliet, putting ſuch ſtreet or highway in as good con-

22 dition as the ſame was before ſuch conduits were laid. *Provided always*, That nothing in this act contained, ſhall be conſtrued to impair, alter or contravene any contract made by Benjamin Preſcott, with the mayor, aldermen and commonalty of the city of Albany, or with Stephen Van Renſſelaer, eſquire, in force at the time of paſſing this act.

23 III. *And be it further enacted*, That if any perſon or perſons ſhall wilfully ſtop, impair, break or deface any conduit, reſervoir or other matter or thing appertaining to the conducting or preſerving the water aforeſaid, he, ſhe or they ſhall forfeit and pay to the truſtees and company aforeſaid, treble the damages thereby ſuſtained, to be recovered by the ſaid truſtees in an action of treſpaſs, in any court having cognizance thereof, with coſts.

Catſkill Aqueduct.

CHAP. LVI.

CONTENTS.

9. Appraiſers, how appointed.
10. Clerk, Collector and Treaſurer, their duty.
7. Dams and other neceſſary Works, may be erected.
8. Damages, how aſcertained.
6. Lands, Company may enter upon to lay their Conduits, &c.
2. Meeting of Stockholders, how convened.
4, 5. Penalties to a certain amount, may be impoſed.
6. Powers and Privileges granted to the Company.
1. Stile and corporate Rights of the Company.
3. Stockholders may elect their Officers and eſtabliſh Bye Laws.
11. Tranſfers of Stock, Rules for, to be preſcribed.

An ACT *for incorporating an Aqueduct Association in the Village of Catskill, in the County of Greene.*

Paſſed March 26th, 1802.

WHEREAS James Bogardus, together with ſundry other citizens, have aſſociated for the purpoſe of ſupplying the village of Catſkill with pure and wholeſome water, for the uſe of ſuch inhabitants thereof and others, as may be inclined to take the ſame.

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly*, That James Bogardus, John Bogardus, Peter Bogardus, Thomas Thomſon, John V. D. S. Scott, and Garrit Abeel, and ſuch other perſons as may become intereſted in the aſſociation or company, formed for ſupplying the village of Catſkill in the county of Greene with water, by means of conduits or aqueducts, ſhall be, and hereby are created a body politic and
1 corporate, in fact and in name, by the name of the "Aqueduct Aſſociation in the village of Catſkill," and by that name ſhall be

capable in law to sue and be sued, plead and be impleaded in any court of record, but shall not be capable of holding any real estate, excepting such as may be necessary for such conduits or aqueducts, in any other place than within the said village, or any real or personal estate exceeding the annual value in the whole of three thousand dollars exclusive of the profits or income of such conduits or aqueducts.

II. *And be it further enacted*, That it shall and may be lawful 2
for any three of the said persons, so associated, or to be associated, by a notice to be given in writing at two of the most public places in the said village, or in the public paper printed in the said village, five days at least previous to any meeting, to convene the said company or association at the most convenient and public place in the said village; and such of the members of the said association, 3
being at least a majority of the whole number, as shall so convene, shall and are hereby authorised, by a vote of a majority present, to elect and appoint a treasurer, clerk and collector of such association, and such other agents as may be necessary to carry into effect the objects of the association; to make and ordain all such bye laws, rules and regulations relative to the said conduits or aqueducts as they may deem proper and necessary, for the superintendance, regulations and management of the same, and of such as may be added thereto, and for the alteration, preservation and reparation thereof, or for the equal assessment and collection, amongst the proprietors of the same aqueducts, in respect to their respective rights or shares, of all costs and expences arising in the execution of all such bye laws, rules and regulations aforesaid; and to im- 4
pose penalties for the violation of the said bye laws and regulations; and further to institute such suits in the name of such company or association as may be necessary to recover damages that may be done to the said aqueducts, or for any penalty imposed as aforesaid, with costs of suit; *Provided*, That no penalty to be im- 5
posed by virtue of any such bye laws or regulations as aforesaid, shall be contrary to the laws of this state, or exceed twenty-five dollars for any one offence.

III. *And be it further enacted*, That it shall be lawful for the 6
said company, and any person or persons employed by them, or acting under their authority, to enter into and upon, and freely to make use of any land which they shall deem necessary for the purpose of conducting a plentiful supply of pure and wholesome water to and through the said village of Catskill; and to erect 7
any dams or works across or upon any stream or streams of water, or any other place or places where they shall judge proper for the raising such stream or streams of water, or turning the course thereof, or of making use of such streams or places for constructing or working of any necessary engines; and to construct, dig, or cause to be dug, any canal or trenches whatsoever, for the conducting of such springs, streams or any other quantity of water from any source or sources that they may see fit; and to raise and construct such dikes, mounds and reservoirs as they may judge proper for securing and conveying such supply of water as aforesaid to and through the said village; and to sur-

vey and lay out all ſuch ſtreams as they may think proper, in order to aſcertain the beſt mode of furniſhing ſuch ſupply; and to lay and conduct any number of pipes, conduits or aqueducts through or over any of the ſaid lands, as they may ſee fit, to or towards the ſaid village, and in any and every part of the
8 ſaid village; and to agree with any owner or owners of any lands, tenements or hereditaments that may be damaged or affected by any of the ſaid operations, for and about a reaſonable compenſation to be made to him, her or them for ſuch lands, tenements or hereditaments, or the uſe thereof, as may be uſed or occupied for the purpoſes aforeſaid, or any of them, or for any damage which he, ſhe or they may ſuſtain, in uſing any ſuch lands, or the conducting, digging, laying, raiſing or making any ſuch reſervoirs, aqueducts, canals, trenches, pipes, conduits, dikes
9 or mounds as aforeſaid; but in caſe of diſagreement, to be ſettled and determined by any three diſcreet reputable freeholders of the town of Catſkill, to be choſen and agreed upon by the parties; and in caſes of refuſal or neglect by either party to nominate and appoint them, then to be nominated and appointed by any judge of the court of common pleas for the county of Greene not intereſted in the premiſes, at the requeſt of either party, and upon their determining the ſame, the ſaid company ſhall pay to the ſaid owners reſpectively, the ſum reported, under their hands and ſeals, in full compenſation for the ſame.

10 IV. *And be it further enacted*, That the treaſurer ſhall receive and pay out all monies collected by virtue of this act, agreeable to the orders and directions of the aſſociation; and the ſaid clerk ſhall enter in writing all the proceedings of the ſame aſſociation or company, when convened as aforeſaid under this act; and the ſaid collector ſhall levy and collect all ſuch taxes and ſums of money ſo as aforeſaid to be voted in purſuance of this act, agreeable to ſuch tax-liſts or aſſeſſment-rolls as ſhall be made out and delivered him by the ſaid clerk, the ſame being firſt by him certified and ſubſcribed, and ſhall pay the ſame monies over to the treaſurer of the ſaid aſſociation; and the ſaid collector ſhall have the like powers, and proceed in the like manner in the ſaid collection as is by law preſcribed to the collector of any town in the collection of the contingent charges of the county.

11 V. *And be it further enacted*, That all transfers of ſhares in the ſaid aſſociation or company ſhall be made and entered in a book to be by them provided for that purpoſe, under ſuch regulations as may be preſcribed by the ſaid aſſociation.

Toll-Bridges.

CHAP. XLII.

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20, 21. Accounts, how kept—and Dividends, how made.
17, 18. Bridge, how built—Penalty for forcibly paſſing, &c.
2. Company, Stile and corporate Rights of.
22. Certain Accounts to be lodged in the County Clerk's office.
23. Clerk of the County and Comptroller, their duty.
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3. Directors, five, to manage the concerns of the Company.
6. ——— Vacancy in Board of, how filled.
11. ——— To have the diſpoſition of the Funds.
13. ——— Powers veſted in them.
12. ——— Statement of their Proceedings, annually to lay before the Stockholders,
4, 5. Election, anniverſary day of—to be by Ballot.
7. Firſt Directors and Treaſurer named.
15. Gate to be erected at the Bridge.
24. Intereſt, Rate of, eſtabliſhed.
1. Perſons aſſociated for erecting a Toll-Bridge.
8. Preſident, Directors to appoint at their firſt meeting.
9, 10. Shares, number limitted—Votes apportioned.
16. Toll, Rates of, eſtabliſhed.
26. —— Perſons going to or from any Funeral, not to pay.
19. Toll-Gatherer, Penalty on him, for breach of duty.

An ACT *to authorise the Building a Toll-Bridge over Murderer's Creek, in Orange County.*

Paſſed March 16th, 1802.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Jonas Williams, Leonard 1
D. Nicoll, Jacob Powell, Jonathan Cooley and Joſeph Morrell, and ſuch other perſons as ſhall aſſociate with them for the purpoſe of building a bridge over the creek commonly known by the name of Murderer's creek, in the town of New-Windſor, in the county of Orange, in the moſt convenient place nearly oppoſite the dwelling houſe of John D. Nicoll, in ſaid town, ſhall be and hereby are made a corporation in fact and in deed, by the name of The directors and company of the Murderer's creek bridge 2
company, and by that name, they and their ſucceſſors ſhall and may have ſucceſſion, and ſhall be perſons in law capable of ſuing and being ſued, pleading and being impleaded, anſwering and being anſwered unto, defending and being defended in all courts and places whatſoever, in all manner of ſuits, actions and cauſes whatſoever, and that they and their ſucceſſors, ſhall be in law capable of purchaſing, holding and conveying any eſtate real or perſonal, for the public uſe of the ſaid corporation; *Provided*, That the whole eſtate of the ſaid corporation ſhall not exceed in value

one thouſand dollars; *And provided further*, That the ſaid corporation ſhall in no wiſe build or attempt to build the ſaid bridge until they ſhall have agreed with and obtained permiſſion from the owners of the land on each ſide of the ſaid creek contiguous to the ſaid bridge, if any private owner or owners there be.

3 II. *And be it further enacted*, That the ſtock, property, affairs and concerns of the ſaid corporation, and the manner of obtaining ſubſcriptions thereto, ſhall be managed, directed and conducted by five directors, who ſhall be ſtockholders, and ſhall, together
4 with the treaſurer, be annually choſen and elected on the firſt Monday in May, in each and every year, at ſuch place as the directors for the time being, or any three of them ſhall appoint, of which notice ſhall be given in one of the newſpapers printed in the ſaid county of Orange, at leaſt ten days before the day of
5 meeting; that all elections for treaſurer and directors ſhall be by ballot, and the perſon who ſhall at ſuch election have the greateſt number of votes given as treaſurer, ſhall be the treaſurer, and in like manner, ſuch perſons as ſhall have the greateſt number of votes as directors at ſuch election, ſhall be the directors, and ſhall hold their offices for one year, and until others ſhall be choſen in
6 their places; and if any vacancies ſhall happen among the directors by death, reſignation or otherwiſe, ſuch vacancies ſhall be filled for the remainder of the year in which they may happen, by the appointment of the other directors for the time being, or
7 a majority of them; and that the firſt directors ſhall be Jonas Williams, Leonard D. Nicoll, Jacob Powell, Jonathan Cooley and Joſeph Morrell; and that John D. Nicoll ſhall be the firſt treaſurer, who ſhall hold their offices until the firſt Monday in May, in the year of our Lord one thouſand eight hundred and three, or
8 until others ſhall be choſen to ſucceed them; and that the ſaid directors ſhall at their firſt meeting after ſuch election, appoint one of their number preſident,

9 III. *And be it further enacted*, That the number of ſhares or ſubſcriptions conſtituting the ſtock or funds of the ſaid corporation, ſhall not exceed three hundred, and that each ſtockholder ſhall be entitled to a number of votes proportioned to the number of ſhares which he or ſhe ſhall have or hold, in his or her
10 name, according to the following ratio; that is to ſay: Every owner of one or more ſhares to the number of five, ſhall have one vote, and for every five ſhares more, one vote.

11 IV. *And be it further enacted*, That the preſident and directors for the time being, or a majority of them, ſhall have the diſpoſition of the funds of the ſaid corporation, to and for the uſes aſore-
12 ſaid, and ſhall annually on the ſecond Monday in April, lay before the ſtockholders of the ſaid corporation, a general ſtatement of their accounts and proceedings, which ſaid ſtatement and proceedings it ſhall be the duty of the preſident and directors to lodge with the treaſurer, at leaſt eight days previous to ſuch annual meetings, for the inſpection and examination of the ſtockholders;
13 and the preſident and directors for the time being, or the major part of them, ſhall have power to make and preſcribe ſuch rules

and regulations as to them ſhall appear needful and proper, touching the management and diſpoſition of the ſtock, property and eſtate of the ſaid corporation, and touching the duties and conduct of their ſecretary, clerks, agents and ſervants employed therein, and touching all ſuch matters as appertain to the ſaid corporation, with power to appoint ſuch and ſo many workmen, clerks and ſervants for the erecting and building of the ſaid bridge, as they may deem neceſſary.

V. *And be it further enacted*, That in caſe the ſaid bridge ſhall 14
not be erected, built and completed, on or before the firſt day of April, in the year of our Lord, one thouſand eight hundred and five, then and in ſuch caſe, the corporation by this act created, ſhall be adjudged and conſidered as diſſolved.

VI. *And be it further enacted*, That as ſoon as the ſaid bridge 15
ſhall be finiſhed and completed, and the judges of the court of common pleas, in and for the ſaid county, or any one of them, ſhall upon inſpection, certify under their hands, that the ſaid bridge is well and ſufficiently conſtructed and built, and will admit of the paſſage of teams with loaded carriages, it ſhall and may be lawful for the ſaid preſident and directors, to erect a gate at either end of the ſaid bridge, and demand, receive and take for the uſe of the ſaid corporation, a toll not exceeding the 16
following rates, to wit: Every four wheel pleaſure carriage drawn by four horſes, twenty-five cents, if drawn by two horſes, twelve and an half cents; every two wheel pleaſure carriage, drawn by one horſe, ſix cents, if drawn by two horſes, ten cents; every waggon drawn by two horſes, ſix cents, and if drawn by four horſes, ten cents; each ſled drawn by two horſes, ſix cents, if drawn by four horſes, ten cents; each ox waggon or cart, drawn by two oxen, ſix cents, and each additional yoke of oxen, two cents; every one horſe cart, three cents; every one horſe ſled, three cents; every man and horſe, three cents; every foot paſſenger, one cent; every horſe, jack or mule, two cents; every cow or other neat cattle, an half cent; every ſcore of ſheep or hogs, five cents, and ſo in proportion for a greater or leſs number.

VII. *And be it further enacted*, That the ſaid bridge ſhall not be 17
leſs than ſixteen feet wide, and ſhall be ſecured with good and ſufficient railing on each ſide thereof.

VIII. *And be it further enacted*, That if any perſon ſhall break, 18
cut or deſtroy any part of the ſaid bridge, or ſhall forcibly paſs the ſaid gate, without having paid the legal toll, ſuch perſon or perſons ſhall each and ſeverally forfeit and pay ten dollars, to be recovered by the treaſurer of the ſaid company, to their uſe in an action of debt; and if any foot or other paſſenger, or any perſon with his team, carriage or horſe, ſhall turn out of the road, and paſs or go round the ſaid gate or bridge, and again enter on the ſaid road, ſo as to avoid the payment of the toll due by virtue of this act, ſuch perſon or perſons ſhall each and ſeverally forfeit and pay the ſum of ten dollars, to be recovered and applied in manner aforeſaid.

19 IX. *And be it further enacted*, That if any toll-gatherer, or other perſon, ſhall unreaſonably delay or hinder any traveller or paſſenger at the gate, or receive more or other toll than is by this act eſtabliſhed, ſhall for every ſuch offence forfeit and pay the ſum of twenty-five dollars, to be ſued for and recovered before any juſtice of the peace in the ſaid county of Orange, for the ſole uſe of the perſon ſo unreaſonably detained, or attempted to be detained or defrauded.

20 X. *And be it further enacted*, That the ſaid corporation ſhall cauſe to be kept, a fair and juſt account of all monies received
21 for toll on the ſaid bridge, and ſhall make and declare a dividend of the clear profits and income (all contingent charges being firſt deducted) amongſt all the ſtockholders of the ſtock of the ſaid corporation, and ſhall on the ſecond Tueſday in January and July in every year, publiſh the half-yearly dividend to be made of the ſaid clear profits, and the time and place when and where the ſame will be paid, and ſhall cauſe the ſame to be paid accordingly.

22 XI. *And be it further enacted*, That the ſaid corporation ſhall within ſix months after the ſaid bridge is completed, lodge in the office of the clerk of the county where ſuch bridge is, an exact account of the expences thereof; and the ſaid corporation ſhall annually exhibit to the ſaid clerk, a true account of the dividends made and ariſing from the ſaid toll, with the annual diſburſements on ſaid bridge.

23 XII. *And be it further enacted*, That the clerk of the county aforeſaid, ſhall, and he is hereby directed to exhibit the ſame to the comptroller of this ſtate, who is hereby directed to report the ſame to the legiſlature, whenever it ſhall appear from the accounts ſo to be exhibited to him, that the income ariſing from the ſaid toll ſhall have fully compenſated the ſaid corporation for all monies they have expended in purchaſes, making, repairing the ſaid
24 bridge, and for all other expenditures thereon, together with an intereſt of fourteen per cent by the year, and thereupon the ſaid corporation ſhall be diſſolved, and the intereſt and property of
25 the ſaid bridge ſhall be veſted in the people of this ſtate; *Provided*, That if the ſaid corporation ſhall not proceed to commence work on the ſaid bridge within one year after the paſſing of this act, and ſhall not, within two years thereafter, complete the ſaid bridge, according to the intent and meaning of this act, then and in either of theſe caſes, this act ſhall ceaſe and be void and of no effect;
26 *And provided also*, That all and every perſon going to or returning from any funeral, with their and each of their horſes and carriages, ſhall be exempted from paying toll for croſſing the ſaid bridge, any thing in this act to the contrary notwithſtanding.

GLEN's FALLS.

CHAP. CIII.

Contents.

4. Gate may be erected, and toll demanded for 21 years.
5. Toll, Rates of, eſtabliſhed.
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3. ——— When completed, notice to whom given, &c.
6. ——— If carried away, &c. may be rebuilt.
7, 8. —— For what cauſe and at what time to revert to the State.

An ACT *to authorise Building a Toll-Bridge over the Hudson's River, at Glen's Falls.*

Paſſed April 2d, 1802.

WHEREAS the time limited by law, for building a certain toll-bridge over the Hudſon's river, expired on the firſt day of January laſt: *And whereas*, Warren Ferrris, by his petition to the legiſlature, hath prayed leave to build a toll-bridge over Hudſon's river, at the place called Glen's Falls: Therefore,

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it ſhall be lawful for the ſaid 1
Warren Ferris, his executors, adminiſtrators or aſſigns, to build a toll-bridge over the ſaid Hudſon's river at Glen's Falls: *Provided always*, That the ſaid bridge ſhall not be leſs than ſixteen 2
feet wide, with a ſtrong railing on each ſide thereof, and ſhall be built in ſo ſubſtantial and workmanlike manner, as that laden carriages may ſafely travel thereon; and the ſaid bridge ſhall be completed on or before the firſt day of January, one thouſand eight hundred and three, and if not ſo and then completed the liberty hereby granted then ſhall ceaſe and determine.

II. *And be it further enacted*, That it ſhall be the duty of the 3
perſon and perſons authoriſed to erect the ſaid bridge, as ſoon as the ſame ſhall be completed, to give notice thereof to the commiſſioners of highways, for the towns of Queenſbury and Northumberland, in the counties of Waſhington and Saratoga; and it is hereby required of, and enjoined on the ſaid commiſſioners, within fifteen days after ſuch notice, to meet near the ſaid bridge and to examine the ſame, and if they or a majority of them, or a majority of ſuch of them as ſhall meet, ſhall deem the ſame to be properly conſtructed and completed, in manner aforeſaid, then they or ſuch majority, ſhall ſubſcribe a certificate thereof, and deliver the ſame to the perſon or perſons authoriſed to build the ſaid bridge.

III. *And be it further enacted*, That it ſhall and may be lawful 4
for the ſaid Warren Ferris, his executors, adminiſtrators and aſſigns, from and after the receipt of ſuch certificate as aforeſaid, to conſtruct and erect a gate or turnpike at either end of the ſaid bridge, and adjacent thereto to erect a toll-houſe, and ſhall from thenceforth, and for and during the term of twenty-one years, to be computed from the firſt day of January laſt paſt,

be and they are hereby authoriſed to take toll from every perſon croſſing the ſaid bridge, at the following rates, and no more, to
5 wit: For a perſon and horſe, ſix cents; for every head of neat cattle, two cents; for every horſe or mare and colt, two cents; for every ſheep and hog at and after the rate of per ſcore, ten cents; for every carriage drawn by one horſe, eight cents; for every carriage, drawn by two horſes or cattle, ten cents, and for every additional horſe or ox, two cents.

6 IV. *And be it further enacted*, That if at any time during the term aforeſaid, the ſaid bridge ſhall be carried away, in whole or in part, by floods or otherwiſe, or ſhall become ſo out of repair, as in the opinion of a majority of the ſaid commiſſioners, paſſing thereon with carriages ſhall be unſafe, then and in every ſuch caſe, the perſon or perſons entitled to take ſuch toll at ſuch bridge, ſhall rebuild or repair the ſame within twelve months from the time when the ſame was carried away, or deemed by the majority of the ſaid commiſſioners to require repairs; and
7 in default of ſuch rebuilding or repairing within the time laſt aforeſaid the remains of ſuch unrepaired bridge, with the gate, turnpike and toll-houſe, ſhall revert to the people of this ſtate, any thing in this act to the contrary notwithſtanding.

8 V. *And be it further enacted*, That at the expiration of the ſaid term of twenty-one years, the ſaid bridge, with the gate, turnpike and toll-houſe, ſhall revert to and veſt in the people of this ſtate, without any compenſation to the builder thereof, or to his executors, adminiſtrators or aſſigns.

SCHOHARIE-KILL.

CHAP. LXXI.

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2, 5. Commiſſioners, to receive ſubſcriptions and notify election.
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6. Directors, ſeven to manage the concerns of the Company.
9. ——— Their powers, in conjunction with the Preſident.
7. Election of Directors, anniverſary day of.
15. Gate, the erection of, to be licenſed by the Governor.
19, 20. Penalty for injuring or forcibly paſſing the Bridge.
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4. ——— Three Dollars on each, to be paid at ſubſcribing.
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16, 18. Toll-Gatherer to be appointed—his duty.
11. Votes apportioned.

An ACT *to incorporate the Schoharie-Kill Bridge Company.*

Paſſed March 30th, 1802.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Stephen Simmons, Iſaac Hardenbergh, William Beach, Medad Hunt, Martinus Laraway and John Van Loon, and their preſent and future aſſociates, and their ſucceſſors, ſhall be and they are hereby created a body corporate and politic, by the name of "The Preſident, Directors and 1
Company of the Schoharie-kill Bridge Company," for the purpoſe of building a bridge acroſs the Schoharie-kill, near the houſe of Martinus Laraway, in the town of Windham, in the county of Greene, and they are hereby ordained, conſtituted and declared to be for ever hereafter, a body corporate and politic, in fact and in name; and by that name, they and their ſucceſſors, ſhall and may have continual ſucceſſion, and ſhall be perſons in law capable of ſuing and being ſued, pleading and being impleaded, anſwering and being anſwered unto, defending and being defended in all courts and places whatſoever; and that they and their ſucceſſors may have a common ſeal, and make, change and alter the ſame at their pleaſure, and alſo that they and their ſucceſſors by the ſame name and ſtile, ſhall be in law capable of purchaſing, holding and conveying any eſtate real and perſonal, for the uſe of ſaid corporation; *Provided*, That the real eſtate ſo to be holden, ſhall be ſuch only as ſhall be neceſſary to promote or attain the objects of this incorporation.

II. *And be it further enacted*, That Stephen Simmons, Iſaac 2
Hardenbergh and William Beach, be and they are hereby appointed commiſſioners to perform the ſeveral duties following, that is to ſay: They ſhall on or before the firſt day of June next, procure three books, and in each of them enter as follows: "We whoſe names are hereunto ſubſcribed, do for ourſelves, our heirs, executors and adminiſtrators, promiſe to pay the preſident, directors and company of the Schoharie-kill bridge company, the ſum of twenty dollars, for every ſhare of ſtock in ſaid company 3
ſet oppoſite to our reſpective names, in ſuch manner and proportion, and at ſuch time and place, as ſhall be determined by the ſaid preſident, directors and company;" one of which books ſhall be left with each of ſaid commiſſioners, at their reſpective places of abode, who ſhall keep the ſame open for the purpoſe of receiving ſubſcriptions; and every ſubſcriber ſhall, at the time of ſub- 4
ſcribing, pay unto either of the ſaid commiſſioners, the ſum of three dollars for each ſhare ſo ſubſcribed; and as ſoon as two 5
hundred ſhares ſhall be ſubſcribed, the ſaid commiſſioners ſhall cauſe an advertiſement to be inſerted in the newſpaper printed at Catſkill, giving at leaſt twelve days notice of the time and place the ſaid ſubſcribers ſhall meet for the purpoſe of chooſing ſeven 6
directors, being ſtockholders, to manage the concerns for one year, and the day of chooſing the ſaid directors ſhall for ever thereafter 7
be the anniverſary day for chooſing directors; and a majority of

ſaid directors ſhall be a quorum, and capable of tranſacting the buſineſs of the ſaid corporation; and every act of a majority of ſaid directors ſo met, ſhall be binding on the ſaid corporation; and the ſaid directors elected by a plurality of the votes of the
8 ſtockholders preſent, ſhall immediately proceed to the choice of one of their number for preſident; and the ſaid preſident and directors may meet from time to time, at ſuch time and place as
9 they may find expedient and direct, and ſhall have power to make ſuch bye laws, rules, orders and regulations, not inconſiſtent with the conſtitution and laws of this ſtate or of the United States, as ſhall be neceſſary for the well ordering of the affairs of the ſaid corporation.

10 III. *And be it further enacted*, That the ſaid preſident and directors may continue to receive ſubſcriptions to the ſtock of the ſaid corporation, until there ſhall be five hundred ſhares ſubſcribed and ſhall have power to appoint ſuch agents, clerks, workmen and others under them as ſhall be neceſſary for executing the buſineſs
11 of the ſaid corporation: And that each ſtockholder ſhall be entitled to a number of votes equal to the number of ſhares he ſhall have or hold in his own name, not exceeding ten ſhares in the whole, and one additional vote for every three ſhares which he may hold over that number.

12 IV. *And be it further enacted*, That the ſaid directors may demand from the ſtockholders reſpectively, all ſuch ſums of money by them ſubſcribed, at ſuch times and in ſuch proportions as they may think proper, under the penalty of forfeiting their reſpective ſhares and of all previous payments thereon, to the ſaid preſident, directors and company.

13 V. *And be it further enacted*, That in caſe the whole of ſaid ſum of ten thouſand dollars, ſhall not be required to be expended in building ſaid bridge as aforeſaid, the directors ſhall cauſe the reſidue of ſaid ſum to be expended in opening, making, improving and repairing the road from the houſe of John Moore, in the town of Roxbury, in the county of Delaware, by the neareſt and moſt convenient route to the houſe of Daniel Harvey, at the foot of the Catſkill mountain.

14 VI. *And be it further enacted*, That the ſuperviſors of the county of Delaware, ſhall, at their next meeting, appoint three commiſſioners not ſtockholders in ſaid company, who ſhall, on application of the directors, inſpect ſaid bridge and road when completed, and ſaid ſum of money ſhall be expended as aforeſaid, and if in their opinion the ſaid bridge is well built, and the reſidue of ſaid ſum of money is advantageouſly and economically expended on the road as aforeſaid, they or a majority of them ſhall, under their hands, make out a certificate thereof, which being preſent-
15 ed to the perſon adminiſtering the government of this ſtate, he may by licence under his hand and the privy ſeal of this ſtate, permit the ſaid preſident, directors and company to erect a gate acroſs ſaid road, in ſuch part thereof, at or near the top of the Catſkill mountain, as they ſhall think proper.

16 VII. *And be it further enacted*, That as ſoon as ſaid bridge ſhall

be built, and ſaid road repaired as aforeſaid, and permiſſion to erect ſaid gate be granted, the preſident and directors may appoint a toll-gatherer, to collect and receive of every perſon croſſing ſaid bridge, or uſing ſaid road, the tolls hereafter mentioned, that is to ſay: For every ſcore of ſheep, eight cents; for every ſcore of 17
hogs, eight cents; for every ſcore of cattle, horſes or mules, twenty cents, and ſo in proportion for any greater or leſs number of ſheep, hogs, cattle, horſes or mules; for every horſe and rider or led horſe, five cents; for every ſulkey, chair or chaiſe, with one horſe, twelve and an half cents; for every cart drawn by one horſe, ſix cents; for every chariot, coach, coachee or phaeton, twenty-five cents; for every ſtage-waggon, or other four wheel carriage, drawn by two horſes, mules or oxen, twelve and an half cents, and two cents for every additional horſe, mule or ox; for every cart drawn by two oxen, twelve and an half cents, and for every additional horſe or ox, three cents; for every ſled or ſleigh, if drawn by two horſes or oxen, ſix cents, and in like proportion if drawn by a greater or leſs number of horſes or oxen; and it ſhall be lawful for the toll-gatherer to ſtop any perſon riding, 18
leading or driving any beaſt or carriage, till he ſhall have paid the toll herein allowed to be collected.

VIII. *And be it further enacted*, That if any perſon ſhall wilful- 19
ly impair or injure ſaid bridge, he ſhall pay to the ſaid company treble the amount of the damages ſuſtained, to be recovered with coſts of ſuit by action of treſpaſs, in any court having competent juriſdiction.

IX. *And be it further enacted*, That if any perſon ſhall forcibly 20
paſs through or go around ſaid gate, in any road within eighty rods thereof, with intent to evade the payment of toll, he ſhall pay to the preſident, directors and company, four times the amount of the toll demandable from ſuch perſon at ſaid gate, to be recovered with coſts by action of debt.

X. *And be it further enacted*, That whenever the ſaid commiſ- 21
ſioners or their ſucceſſors, to be appointed by the ſuperviſors of the county of Delaware, at any regular meeting, ſhall find the ſaid bridge not ſafely paſſable, or the ſaid road to be out of repair, it ſhall and may be lawful for them or any two of them, in writing under their hands to be ſerved on the toll-gatherer, to order ſaid gate to be ſet open, until the ſaid commiſſioners ſhall direct otherwiſe; and 22
in caſe the ſaid order ſhall be diſobeyed, the ſaid corporation is hereby declared to be diſſolved from that day.

XI. *And be it further enacted*, That if the ſaid bridge and road 23
ſhall not be completed as aforeſaid, within three years, or if ſaid bridge after the ſame ſhall be completed, ſhall be impaſſable for carriages, for the ſpace of ten months at any one time, the ſaid corporation in ſuch caſe is hereby declared to be diſſolved.

XII. *And be it further enacted*, That this act is hereby declared to be a public act.

FLUSHING AND NEWTOWN.

CHAP. LXXVI.

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1. Capital Stock, encreased 100 Shares, of 25 dollars each.
2. Commissioners, appointed for taking subscriptions.
5. ——— Acts heretofore done by them, confirmed.
6. Creek, obstructions not to be placed in.
4. Instalments, how made.—3. Proxy, Votes may be given by.

An ACT *supplementary to the Act, entitled "An Act for Building a Bridge over Flushing Creek, constructing a Road and establishing a Turnpike, between Flushing and Newtown, in the County of Queens," Passed March* 21st, 1801.

Passed March 30th, 1802.

WHEREAS the president and directors of the Flushing and Newtown turnpike, bridge and road company, have by their petition among other things set forth, that the capital stock of the said company is inadequate to the purposes intended in and by the said act: Therefore,

1 I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the capital stock of the said company be encreased one hundred shares, each share being of the
2 value of twenty-five dollars; and that Samuel Riker, Robert Moore and David Gardiner, commissioners named in the said last mentioned act, shall be, and they are hereby appointed commissioners for taking subscriptions; and each of the said commissioners, shall, on or before the first Tuesday in May next, provide themselves with books, and open the same for subscriptions, in the same manner as is directed in and by the said last mentioned act, and shall continue them open from day to day, until the whole number of one hundred shares are subscribed for, in the same manner, and subject to the same terms and regulations, as are directed and set forth in the said last above mentioned act.

3 II. *And be it further enacted*, That the said stockholders in the said company, at the time stated for the election of directors in the said last above mentioned act, at such election may vote by proxy; *Provided*, The proxy be derived directly from such stockholders, and the vote be given by a citizen of the United States, being an inhabitant of this state.

4 III. *And be it further enacted*, That from and after the passing of this act, any subscriber or stockholder in the said company, neglecting or refusing to pay all or any part of the several sums of money subscribed by them at the respective times when they shall become due and payable, or if any of the subscribers or stockholders of the said company shall neglect or refuse to pay such sum or sums of money as became due and payable to the said company, prior to the passing of this act, for the space of fourteen days after notice being published in two of the public newspapers in the city of New-York, from the president of the said company, that the same is due and unpaid, shall forfeit to the use of the said company, all the money previously paid on account of

ſuch ſhare or ſhares reſpectively, in payment whereof ſuch default hath been or ſhall be made, together with all right, title, intereſt, emolument, claim and demand whatſoever, of, in and to the funds and profits ariſing, or to ariſe therefrom, by reaſon of ſuch forfeited ſhare or ſhares.

IV. *And be it further enacted*, That the act or acts of the commiſſioners named in the laſt above mentioned act, as they reſpect the opening of the books for the purpoſe of receiving ſubſcriptions in the month of June, in the year of our Lord one thouſand eight hundred and one, be and the ſame are hereby confirmed; *Provided*, That it ſhall not be lawful for the ſaid preſident and directors, or any perſon employed by them, to place in the ſaid creek any thing that may impede the flowing and ebbing of the waters thereof, except ſuch piles as may be neceſſary to ſupport the ſaid bridge.

Turnpikes.

QUAKER-HILL.

CHAP. LXVI.

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6. ——— To notify Stockholders of the firſt Election.
16. ——— To determine the direction of the Turnpike, &c.
21. ——— To view and inſpect the Road and report to the Gov.
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20. Damages, how to be aſſeſſed in caſe of diſagreement.
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12. ——— In his abſence, a Preſident pro tem. may be choſen.
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16, 17. ——— Direction thereof, &c. by whom determined.
18. ——— How made, and of what materials.
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An ACT *to establish a Turnpike Corporation, for improving and making a Road from Quaker-Hill, in Dutchess County, at the Line of Connecticut, near the House of Jeptha Sabins, to or near the House of Peter Brill, in the Town of Beekman.*

Paſſed March 30th, 1802.

I. BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That Jonathan Akin, Daniel Merrit, Reed Ferris, James Peckham, William Akin, Daniel C. Verplank, Peter Bogardus, Martin Wiltſie, jun. Peter Loſſing, Ebenezer Cary, Benjamin Noxen, Peter Brill, and all ſuch others as ſhall aſſociate for the purpoſe of making a good and ſufficient road, to run in the neareſt and moſt direct route, as far as circumſtan-
1 ces will admit, from the line of Connecticut, near the houſe of Jeptha Sabins, to the foot of the mountain called Fiſhkill mountain, near where the old road croſſes; from thence the moſt convenient route to Peter Brill's; their ſucceſſors and aſſigns, be, and they hereby are created and made, a body corporate and politic,
2 by the name and ſtile of "The Preſident, Directors and Company, of the Quaker-hill turnpike road," and they are hereby declared to be a body corporate and politic, in fact and in name, and by that name they and their ſucceſſors, ſhall and may have continual ſucceſſion, and ſhall be perſons in law capable of ſuing and being ſued, pleading and being impleaded, anſwering and being anſwered unto, defending and being defended, in all courts and places whatſoever, in all manner of actions, ſuits, complaints, matters and cauſes whatſoever; and they and their ſucceſſors, by the ſame name and ſtile, ſhall be in law capable of purchaſing, holding and conveying any eſtate, real and perſonal, for the uſe of the ſaid corporation;
3 *Provided*, That the amount of ſuch real eſtate, which the ſaid corporation are hereby authoriſed to purchaſe and hold, ſhall not exceed four thouſand dollars; *And provided further*, That ſuch eſtate as well real as perſonal, ſo to be purchaſed and held, ſhall be neceſſary to fulfil the end and intent of the ſaid corporation, and for no other purpoſe whatſoever.

4 II. *And be it further enacted*, That Daniel Verplank, Peter Loſſing and William Akin, be and they hereby are appointed commiſſioners, to do and perform the ſeveral duties herein after mentioned, that is to ſay: They ſhall on or before the firſt day of May next, procure three books and in each of them enter as follows: "We whoſe names are hereunto ſubſcribed, do for ourſelves and our legal repreſentatives, promiſe to pay to the preſident, directors and company of the Quaker-hill turnpike road, the
5 ſum of twenty-five dollars for every ſhare of ſtock in the ſaid company ſet oppoſite to our reſpective names, in ſuch manner and proportion and at ſuch time and place as ſhall be determined by the ſaid preſident, directors and company;" one of which books ſhall be left with each of the ſaid commiſſioners, at their reſpective place of abode, who ſhall immediately open the ſame, and keep the ſame open for the purpoſe of receiving ſubſcriptions; and every ſubſcriber ſhall, at the time of ſubſcribing, pay unto either of the ſaid

commiſſioners, two dollars and fifty cents, for each ſhare ſo by him ſubſcribed; and the ſaid commiſſioners ſhall, as ſoon as two 6
hundred ſhares are ſubſcribed, cauſe an advertiſement to be inſerted in one of the public newſpapers at Poughkeepſie, in Dutcheſs county, and one of the public newſpapers in the town of Litchfield, in the ſtate of Connecticut, giving at leaſt ten days notice of the time and place, when and where the ſaid ſubſcribers ſhall 7
meet to chooſe thirteen directors, who ſhall be ſtockholders, for the purpoſe of managing the concerns of the company for one year; and the ſaid directors ſhall be choſen by ballot by the ſtockholders then preſent; and the day of chooſing ſaid directors, ſhall 8
for ever thereafter be the anniverſary day for chooſing ſaid directors; and any ſeven of ſaid directors ſhall be a quorum, and capable of tranſacting the buſineſs of the ſaid corporation; and every act of the majority of the directors ſo met, ſhall be binding on the ſaid corporation; and the ſaid directors elected by a plu- 9
rality of the ſtockholders preſent, ſhall immediately proceed to elect by ballot one of their number for preſident; and the ſaid 10
preſident and directors may meet from time to time, at ſuch places as they may find expedient and direct, and they ſhall have power to make ſuch bye laws, rules, orders and regulations, not inconſiſtent with the conſtitution and laws of this ſtate or of the United States, as they ſhall deem neceſſary, for the well ordering the affairs of the ſaid corporation: *Provided*, That at the election 11
of directors, the ſtockholders not preſent may vote by proxy for ſaid directors, and each ſtockholder ſhall be entitled to one vote, for every ſhare he ſhall hold under the number of ten ſhares, and one additional vote for every ten ſhares he ſhall hold above the number of ten ſhares.

III. *And be it further enacted*, That in caſe of the death, abſence or 12
inability of the preſident, a quorum of the directors may appoint a preſident pro tempore, and ſhall and may proceed and tranſact the buſineſs of the ſaid corporation, in like manner as if the preſident was with them.

IV. *And be it further enacted*, That the ſaid preſident and de- 13
rectors, may continue to receive ſubſcriptions to the ſtock of the ſaid corporation, until there ſhall have been four hundred ſhares 14
ſubſcribed; and ſhall have power to appoint ſuch officers, agents, clerks, artiſts, workmen and others under them, as ſhall be neceſſary for executing the buſineſs of the ſaid corporation.

V. *And be it further enacted*, That the ſaid turnpike road, in- 15
cluding the ditches, ſhall be at leaſt four rods wide, and ſhall extend from the line of the ſtate of Connecticut, near the houſe of [illegible]bins, in the town of New-Fairfield, to or near the houſe [illegible] in the town of Beekman in the county of Dutcheſs.: [illegible]tion of the ſaid turnpike road, ſhall be determin- 16
[illegible]out by three diſintereſted commiſſioners, to be [illegible] perſon adminiſtering the government of this [illegible]all be the duty of the ſaid commiſſioners, to lay [illegible]tion of ſaid road, without favor or partiality, ac- [illegible] the beſt of their judgment, ſo as to anſwer the ob-

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II. *And be it further enacted*, That Daniel Verplank, Peter Lossing and William Akin, be and they hereby are appointed commissioners, to do and perform the several duties herein after mentioned, that is to say: They shall on or before the first day of May next, procure three books and in each of them enter as follows: "We whose names are hereunto subscribed, do for ourselves and our legal representatives, promise to pay to the president, directors and company of the Quaker-hill turnpike road, the sum of twenty-five dollars for every share of stock in the said company set opposite to our respective names, in such manner and proportion and at such time and place as shall be determined by the said president, directors and company;" one of which books shall be left with each of the said commissioners, at their respective place of abode, who shall immediately open the same, and keep the same open for the purpose of receiving subscriptions; and every subscriber shall, at the time of subscribing, pay unto either of the said

commiſſioners, two dollars and fifty cents, for each ſhare ſo by him ſubſcribed ; and the ſaid commiſſioners ſhall, as ſoon as two 6
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5 dent, directors and company of the Quaker-hill turnpike road, the ſum of twenty-five dollars for every ſhare of ſtock in the ſaid company ſet oppoſite to our reſpective names, in ſuch manner and proportion and at ſuch time and place as ſhall be determined by the ſaid preſident, directors and company;" one of which books ſhall be left with each of the ſaid commiſſioners, at their reſpective place of abode, who ſhall immediately open the ſame, and keep the ſame open for the purpoſe of receiving ſubſcriptions; and every ſubſcriber ſhall, at the time of ſubſcribing, pay unto either of the ſaid

commiſſioners, two dollars and fifty cents, for each ſhare ſo by him ſubſcribed; and the ſaid commiſſioners ſhall, as ſoon as two 6
hundred ſhares are ſubſcribed, cauſe an advertiſement to be inſerted in one of the public newſpapers at Poughkeepſie, in Dutcheſs county, and one of the public newſpapers in the town of Litchfield, in the ſtate of Connecticut, giving at leaſt ten days notice of the time and place, when and where the ſaid ſubſcribers ſhall 7
meet to chooſe thirteen directors, who ſhall be ſtockholders, for the purpoſe of managing the concerns of the company for one year; and the ſaid directors ſhall be choſen by ballot by the ſtockholders then preſent; and the day of chooſing ſaid directors, ſhall 8
for ever thereafter be the anniverſary day for chooſing ſaid directors; and any ſeven of ſaid directors ſhall be a quorum, and capable of tranſacting the buſineſs of the ſaid corporation; and every act of the majority of the directors ſo met, ſhall be binding on the ſaid corporation; and the ſaid directors elected by a plu- 9
rality of the ſtockholders preſent, ſhall immediately proceed to elect by ballot one of their number for preſident; and the ſaid 10
preſident and directors may meet from time to time, at ſuch places as they may find expedient and direct, and they ſhall have power to make ſuch bye laws, rules, orders and regulations, not inconſiſtent with the conſtitution and laws of this ſtate or of the United States, as they ſhall deem neceſſary, for the well ordering the affairs of the ſaid corporation: *Provided*, That at the election 11
of directors, the ſtockholders not preſent may vote by proxy for ſaid directors, and each ſtockholder ſhall be entitled to one vote, for every ſhare he ſhall hold under the number of ten ſhares, and one additional vote for every ten ſhares he ſhall hold above the number of ten ſhares.

III. *And be it further enacted*, That in caſe of the death, abſence or 12
inability of the preſident, a quorum of the directors may appoint a preſident pro tempore, and ſhall and may proceed and tranſact the buſineſs of the ſaid corporation, in like manner as if the preſident was with them.

IV. *And be it further enacted*, That the ſaid preſident and de- 13
rectors, may continue to receive ſubſcriptions to the ſtock of the ſaid corporation, until there ſhall have been four hundred ſhares 14
ſubſcribed; and ſhall have power to appoint ſuch officers, agents, clerks, artiſts, workmen and others under them, as ſhall be neceſſary for executing the buſineſs of the ſaid corporation.

V. *And be it further enacted*, That the ſaid turnpike road, in- 15
cluding the ditches, ſhall be at leaſt four rods wide, and ſhall extend from the line of the ſtate of Connecticut, near the houſe of [illegible]bins, in the town of New-Fairfield, to or near the houſe [illegible] in the town of Beekman in the county of Dutcheſs.: [illegible]tion of the ſaid turnpike road, ſhall be determin- 16
[illegible]out by three diſintereſted commiſſioners, to be [illegible] perſon adminiſtering the government of this [illegible]all be the duty of the ſaid commiſſioners, to lay [illegible] of ſaid road, without favor or partiality, ac- [illegible] the beſt of their judgment, ſo as to anſwer the ob-

17 ject of the corporation and secure the public interest; and the
said commissioners shall cause an accurate map of the survey of
such road, designating particularly the track thereof, to be made
and filed in the clerk's office of the county of Dutchess; and the
expences of surveying the said road, and of making and record-
ing such map, together with the allowance to the said commis-
sioners, at the rate of two dollars per day for their services, shall
18 be paid by the said corporation; That the said road shall be made
by bedding at least the breadth of twenty feet with stone, or other
hard substance one foot thick, and the same shall be covered at
least six inches with gravel or other hard substance, so as to make
the surface thereof firm and smooth; and the ditches on the side
of the said road, shall, where it may be practicable, be of a pro-
per width and sufficiently level to form a good road for sleighs.

19 VI. *And be it further enacted*, That it shall be lawful for the
said president, directors and company, after the track of the said
road shall have been designated as aforesaid, to enter upon and
take possession of such quantity of improved or unimproved land,
not exceeding four rods wide, as shall be necessary for making
20 the said road, the said president, directors and company paying to
the owners of the lands, such value and damages as shall be
agreed upon, or in case of disagreement, as shall be assessed by
two justices of the peace, and by the oaths of twelve reputable
and disinterested freeholders, who shall be summoned by the con-
stable of the town in which such land may be, by virtue of a
warrant to be issued by the said justices for that purpose: And
in case of the infancy, coverture, insanity or absence from the
state of any of the owners, it shall be lawful for the said presi-
dent, directors and company, to take possession of such land,
the value and damages whereof shall be ascertained and assessed,
in the manner above prescribed, and paid to the persons entitled
thereto on demand; and on the payment of the value of the said
land, so to be taken for the said road, the right and title thereto
shall vest in the said president, directors and company.

21 VII. *And be it further enacted*, That as soon as the president,
directors and company, shall have completed, the said road, it
shall be lawful for the said president and directors, to give notice
to the governor of this state, for the time being, who shall there-
upon forthwith nominate and appoint three commissioners, to view
the same and report to him in writing, whether such part of said
road is completed in a workman-like manner, according to the
22 true intent and meaning of this act; and if the report shall be in
the affirmative, then it shall be the duty of the governor to
whom they report, and he is hereby requested, by licence under
his hand and the privy seal of this state, to permit the said pre-
sident and directors, to erect and fix two gates and turnpikes,
upon and across said road, to collect the duties and tolls herein
after granted to the said corporation, from all persons travelling
or using the same.

23 VIII. *And be it further enacted*, That as soon as the said road
shall be completed, and permission so as aforesaid granted to
erect a gate or gate, upon and across the same, it shall be lawful

for the ſaid preſident and directors, to appoint toll-gatherers to collect and receive of and from all and every perſon or perſons, uſing the ſaid road, at either of the ſaid gates, the tolls herein after mentioned and no more, that is to ſay: For every ſcore of 24
ſheep or hogs, eight cents; for every ſcore of cattle, horſes or mules, twenty cents; for every horſe and rider, led or driven horſe, five cents; for every ſulkey, chair or chaiſe with one horſe, twelve and an half cents; for every cart drawn by one horſe, ſix cents; for every chariot, coach, coachee or phaeton, twenty-five cents; for every ſtage waggon or other four wheeled carriage drawn by two horſes, mules or oxen, twelve and a half cents, and for every additional horſe or ox, three cents; for every ſleigh or ſled, ſix cents if drawn by two horſes or oxen, and in like proportion if drawn by a greater or leſs number of horſes or oxen: That it 25
ſhall be lawful for any of the toll-gatherers, to ſtop and detain any perſon riding, leading or driving, any horſe, cattle, ſheep or hogs, ſulkey, phaeton, chair, chaiſe, cart, waggon, ſleigh or other carriage of burthen or pleaſure, from paſſing through the gates or turnpikes, until they ſhall reſpectively have paid the toll as above ſpecified. *Provided*, That nothing in this act ſhall be conſtrued to entitle the ſaid corporation, to demand toll of or from any perſon paſſing to or from public worſhip, or to or from his common buſineſs on his farm, or in going to or from his out lands, or to or from any mill to which he may reſort for the grinding of grain for his family's uſe, or perſons going to or returning from a funeral, or going after or returning with a phyſician or midwife.

IX. *And be it further enacted*, That the ſaid corporation ſhall 26
cauſe mile ſtones to be erected, one for each mile of the ſaid road, and on each ſtone ſhall be fairly and legibly inſcribed or marked, the diſtance the ſaid ſtone is from Fiſhkill landing; and ſhall alſo erect guide-poſts, at the interſection of all public roads leading into or from the ſaid turnpike, on which ſhall be inſcribed the name of the town in which ſaid poſt ſtands, and alſo the name of the town or towns to which ſuch interſecting road leads, in the direction to which the hand on the ſame points; and the ſaid cor- 27
poration ſhall cauſe to be affixed at or over each gate or turnpike, a printed liſt of the rates of toll which may be lawfully demanded.

X. *And be it further enacted*, That if any perſon or perſons, 28
ſhall break or throw down, deface or injure any of the mile ſtones or guide poſts ſo to be erected, for the information of travellers, or ſhall dig up and attempt to ſpoil any part of the ſaid road, or ſhall cut, break down or deſtroy any part of the gates or turnpikes, or other works belonging to the ſaid road, which ſhall be made or erected in purſuance of this act, or ſhall forcibly paſs any or either of the ſaid gates or turnpikes, without having paid the legal toll at each gate or turnpike, ſuch and every ſuch perſon and perſons ſhall for every ſuch offence or injury, forfeit and pay a fine of twenty-five dollars, to be recovered by the treaſurer of the ſaid corporation, to their uſe in an action of debt, with coſts of ſuit, in any court having cognizance of the ſame; and if any perſon or perſons, ſhall with his or their team or teams, carriage or horſe, turn out of the ſaid road, to paſs any or either of the gates on ground

adjoining thereto, and again enter on ſaid road, having paſſed the ſaid gate or gates, to avoid the payment of the toll due by this act, ſuch perſon or perſons ſhall forfeit and pay a fine not exceeding five dollars, to be recovered in like manner by the treaſurer of the corporation, to their uſe, with coſts of ſuit.

29 XI. *And be it further enacted*, That if any toll-gatherer ſhall unreaſonably delay or hinder any traveller or paſſenger at any of the gates, or ſhall demand and receive more toll than is by this act eſtabliſhed, he ſhall for every ſuch offence, forfeit and pay twenty-five dollars for the uſe of the perſon ſo unreaſonably delayed or hindered.

30 XII. *And be it further enacted*, That the ſhares in the ſaid turnpike road ſhall be taken, deemed and conſidered to be perſonal eſtate, and be transferable in ſuch manner as the ſaid preſident and directors may direct.

31 XIII. *And be it further enacted*, That it ſhall be lawful for the ſaid preſident and directors, at any time after the completion of
32 ſaid road to leſſen the rate of toll or duties, or take away one of the gates and turnpikes, provided two thirds of the ſtockholders ſhall agree thereto.

33 XIV. *And be it further enacted*, That the preſident and directors of the ſaid corporation, ſhall keep a juſt and fair account of all monies received or to be received by the ſeveral collectors of toll on ſaid road; and ſhall make and declare a dividend of the clear profits and income, all contingent coſts and charges being firſt deducted, among the ſtockholders of the ſaid corporation; and on the firſt Tueſday in January and July in every year, ſhall publiſh the half yearly dividend of the clear profits to be made among the ſtockholders, and the time and place when and where the ſame will be paid, and ſhall cauſe the ſame to be paid accordingly.

34 XV. *And be it further enacted*, That the ſaid preſident and directors ſhall, within ſix months after ſaid road ſhall be completed, lodge in the comptroller's office of this ſtate an account of the expences thereof, and the corporation ſhall annually exhibit to the comptroller a true account or dividend ariſing from ſaid toll, with the annual diſburſements on ſaid road.

35 XVI. *And be it further enacted*, That it ſhall be lawful for the ſaid preſident and directors to call and demand from the ſtockholders reſpectively all ſuch ſums of money by them ſubſcribed, or to be ſubſcribed, at ſuch times and in ſuch proportions as they ſhall ſee fit, under pain and forfeiture of their ſhares, and all the previous payments thereon, to the ſaid preſident, directors and company.

36 XVII. *And be it further enacted*, That after the amount of the ſaid number of four hundred ſhares, mentioned in and by the fourth ſection of this act, ſhall have been appropriated by the ſaid preſident, directors and company, for the purpoſe of making a good and ſufficient road between the places aforeſaid, and the ſum ſo appropriated ſhall be found inſufficient to effect the ſame, it ſhall be lawful for the ſaid preſident and directors, in order to complete the ſaid road and turnpikes, to increaſe or raiſe the funds of the ſaid corporation, by adding a ſum, not exceeding ten dollars, to each and every ſhare in the whole ſtock; which ſum, ſo to be added, ſhall be in an equal ratio upon each and every

share to be collected and paid in manner aforesaid, subject on default of payment. to the pains and forfeitures aforesaid.

XVIII. *And be it further enacted*, That the legislature may dissolve the said corporation, when the income arising from the said toll shall have fully paid and compensated the said corporation for all monies they may have expended in purchasing, making, repairing and taking care of said road, together with an interest thereon of fourteen per cent per annum, and thereupon the right, interest and property of the said road shall be vested in the people of this state, and be and remain at their disposal; *Provided*, That if the said corporation shall not commence their operations on said road within one year after the passing of this act, and shall not, within four years after complete the same according to the intent and meaning of this act, then and in either case this act shall cease, be void, and of none effect. 37

ALBANY AND SCHENECTADY.

CHAP. LXIX.

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An ACT, *for establishing a Turnpike Road between the Cities of Albany and Schenectady.*

Passed March 30th, 1802.

WHEREAS Goldsbrow Banyar, Abraham Ten Eyck, Abraham Ten Broeck and others, have entered into an association to form a company for making a turnpike road between the cities of Albany and Schenectady, and have prayed to be incorporated for that purpose: Therefore,

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the said Goldsbrow Banyar, Abraham Ten Eyck, Abraham Ten Broeck and their associates, are hereby constituted a body corporate and politic, by the name of
1 "The President, Directors and Company of the Albany and Schenectady Turnpike;" and by that name shall have perpetual succession; sue and be sued, defend and be defended in all actions and matters whatsoever; have a common seal and change the same at pleasure; purchase, take, hold and convey any estate real
2 or personal; *Provided*, That such real estate shall not at the time of acquiring the same exceed in value the sum of six thousand dollars, beyond what shall be necessary to effect the object of the in-
3 corporation; that the president and directors of the said company, shall and may from time to time pass such bye-laws and ordinances, for regulating the concerns of the said company, the conduct and duty of their members, officers, agents and servants, the compensation to be granted to them respectively, the manner of making transfers of the stock of the said company, convening and holding their stated and other meetings, and all other matters relative to the said turnpike road, as to them shall seem proper, and
4 the same to repeal or amend at pleasure; and the stock of the said company shall be deemed personal property, and shall consist of two thousand shares of fifty dollars each, to be paid on the requisition of the president and directors in such proportions, at such periods and after such notice, as they shall direct and appoint, upon pain of forfeiture of such shares, and all previous payments, if such requisitions shall not be complied with within thirty days
5 after the times respectively appointed for that purpose; that the management of the concerns of the said company shall be entrusted to nine directors, who shall be stockholders resident in the state of New-York, and who shall continue in office one year from the
6 first Tuesday of January in every year; that there shall be an election on the Tuesday preceding every such first Tuesday of January, at such place in the city of Albany and at such hour as the president and directors shall appoint, by bye laws by them from time to time to be made, at any of their stated meetings, or by a notification by them to be made and published in one of the public newspapers printed in the city of Albany, at least three days before such election day; that all such elections shall be by ballot by the stockholders present, either in person or by proxy,
7 such stockholders voting in the following proportions, that is to say; one vote for every share not exceeding ten; one vote for

every two ſhares exceeding ten, ſo as no ſtockholder ſhall have more than thirty votes, and ſo as that no ſhare ſhall confer a right of ſuffrage, which ſhall not have been held at leaſt three calendar months before the day of ſuch election, by the perſon offering to vote therefor; that the ſtockholders preſent immediately before 8
the opening of ſuch election, and after the hour appointed for holding the ſame, ſhall by a plurality of votes, appoint three ſtockholders, then alſo preſent, inſpectors of ſuch election; that ſuch inſpectors ſhall receive the ballots, and immediately after the election is cloſed, openly examine, count and eſtimate the votes, and ſhall thereupon make and ſubſcribe a certificate of the reſult of ſuch election, ſpecifying the names of the perſons ſo elected directors, and the names of ſuch who have an equal number of votes for directors, if by means of ſuch equality of votes, the requiſite number of directors ſhall not have been elected; that if 9
any two or more perſons ſhall have an equal number of votes for directors, ſo as that nine directors ſhall not have been elected at any ſuch election, the ſtockholders ſhall on the the day ſucceeding ſuch election at the ſame place and at the ſame hour, at which ſuch election ſhall have been held, in like manner proceed to elect of the perſons who ſhall have had an equal number of votes as aforeſaid by plurality of votes, ſo many as ſhall complete the number of nine directors; at which laſt aforeſaid election the ſame inſpectors who ſhall have been appointed the preceding day, ſhall again perform the duties enjoined on them as inſpectors, and if ſuch inſpectors be abſent, the ſtockholders preſent ſhall in like manner appoint others in their ſtead, for the purpoſes aforeſaid; that if ſuch election ſhall not be held at any of the days for that purpoſe appointed, it ſhall be lawful to make ſuch election at any other day by the directors to be appointed in like manner, and with like effect as if the ſame had been held at the uſual time, and the directors in office ſhall, in that caſe, be incapacitated after ſuch firſt Tueſday of January from performing any act as directors, other than ſuch as may be neceſſary to give ſuch election effect; that the 10
directors ſhall, on the Tueſday next ſucceeding any ſuch election-day, in every year, by plurality of votes, appoint one of their number preſident, who ſhall in like manner hold his office for one year from the firſt Tueſday of January preceding; that in caſe of the abſence of ſuch preſident, the directors preſent, at any meeting, may in like manner appoint a preſident for the meeting; that the preſident ſhall have a caſting vote and no other; that in caſe 11
of vacancy in the office of director, by death, reſignation or otherwiſe, other or others ſhall be elected by the ſtockholders, in manner aforeſaid, to fill ſuch vacancy; that John Lanſing, junior, ſhall be the firſt preſident, and Stephen Van Renſſelaer, Stephen Luſh, Dudley Walſh, Gerrit W. Van Schaick, Daniel Hale, John Tayler, Abraham Oothout and Joſeph C. Yates, the firſt directors of the ſaid company, and that they ſhall continue in office until the firſt Tueſday of January next.

II. *And be it further enacted*, That the ſtockholders of the ſaid 12
company ſhall make ſuch compenſation to the preſident for any

extraordinary attendance, as shall appear to them reasonable, but that neither the president, nor any of the directors shall be entitled to any emolument but such as shall have been allowed at a gene-
13 ral meeting of the stockholders; that not less than five directors, of whom the president shall always be one (unless in case of sickness or necessary absence;) and that any number of stockholders, not less than forty, who together shall be proprietors of at least four hundred shares, may call a general meeting of stockholders, for purposes relative to the institution, giving at least sixty days notice thereof in one or more of the public newspapers printed in
14 the city of Albany, specifying the objects of such meeting; that every treasurer, before he enters on the duties of his office, shall give a bond with two sufficient sureties conditioned for the just and due execution of his office.

15 III. *And be it further enacted*, That the said turnpike road, including the ditches, shall be at least four rods, and not exceeding six rods in breadth, and shall extend from the east range of Snipe-street, in the city of Albany, to the sixteen mile-stone, standing near the house of Henry R. Teller, and shall include the breadth of the present road, that leads into State-street, in the city of Sche-
16 nectady; that the direction of the said turnpike road, shall be determined and marked out by three disinterested commissioners, to be appointed by the person administering the government of this state; and it shall be the duty of the said commissioners to lay out the direction of such road, without favour or partiality, according to the best of their judgment, so as to answer the object of this incorporation, and secure the public interest; and the said commissioners shall cause an accurate map of the survey of such road, designating particularly the track thereof, to be made, and filed in the clerk's office of the city and county of Albany, and the expences of surveying the said the road, and of making and recording such map, together with an allowance to the said commissioners, at the rate of two dollars per day for their services, shall be
17 paid by the said corporation; that the said road shall be made by bedding at least the breadth of two rods, with stone or other hard substance, so as to secure a solid foundation, and the same shall be covered with gravel or other hard substance, so as to make the surface thereof firm and smooth; and the ditches on the sides of the said road shall (where it may be practicable) be of a proper width, and sufficiently level to form a good road for sleighs.

18 IV. *And be it further enacted*, That it shall be lawful for the said president and directors, after the tract of the said road shall have been designated as aforesaid, to enter upon, and take possession of such quantity of improved or unimproved land, not exceeding six rods in breadth, as shall be necessary for making the said road;
19 and from time to time to search for, take and carry away from the lands of any persons whomsoever, any stone, gravel or sand, or other materials necessary and proper for constructing or repairing the said road, the said president, directors and company, paying to the owners for the lands or materials, such value and damages
20 as shall be agreed upon, or in case of disagreement, as shall be as-

fessed by two justices of the peace, and by the oaths of six respectable and disinterested freeholders, who shall be summoned by the sheriff of the county of Albany, by virtue of a warrant to be issued by the said justices for that purpose. And in case of the infancy, coverture, insanity or absence from this state of any such owners, it shall be lawful for the said president and directors, to take possession of such land, and to search for and carry away such materials, the value and damages whereof shall be ascertained and assessed, in the manner above prescribed, and paid to the person or persons entitled thereto on demand: *Provided always*, That 21
the said president and directors shall in no case, cut and carry away timber or wood, or take and carry away any stone fence, or stone collected for building, from any lands without having previously agreed with the owner for the purchase of the same, and paid the price thereof; and on the payment of the value of the said land, so to be taken for the said road, the right and title thereto shall vest in the said president, directors and company.

V. *And be it further enacted*, That as soon as the said turnpike 22
road shall be completed, it shall be lawful to and for the said president, directors and company to erect two gates on the same, and to exact at each of the said gates, the tolls herein after mentioned, that is to say: For every score of sheep, four cents; for every 23
score of hogs, four cents; for every score of cattle, ten cents; for every horse and rider, or led horse, four cents; for every coach, chariot, coachee or phaeton, twenty cents; for every sulkey, chair or chaise with one horse, ten cents; for every stage waggon, or other four wheeled carriage drawn by two horses, oxen or any other animals, ten cents, and two cents for every additional horse, ox or other animal; for every cart, sleigh or sled, drawn by two horses, oxen or other animals, five cents, and for every additional horse, ox or other animal, two cents; *Provided*, That nothing 24
in this act shall be construed to authorise the exaction of toll for any carriage loaded with an ordinary load of fire wood, turf, fossil-coal or hay, or the horses, oxen or other animals drawing the same; that no toll-gate shall be erected within three miles of the 25
junction of the west side of Lodge-street with State-street, in the said city of Albany, or within three miles from the sixteen mile-stone aforesaid; such distances to be measured in the track of such turnpike road, and if the same shall not touch the junction of Lodge and State-street, then measured from the range of the east side of Lodge-street, continued to the said track. *And provided further*, That the mayor, aldermen and commonalty of 26
the city of Albany, may whenever they shall deem it necessary, for the convenience and accommodation of the inhabitants of the said city, resume and cause such part of the turnpike track, as shall run within the limits of the said city, to be pitched, levelled and paved in such manner as to them shall seem proper; so as that the said president, directors and company, be exempted from any expence incurred by means of such pitching, levelling or paving, or keeping such part thereof as may be paved in repair; and that the said turnpike road, shall not be

permitted to alter the level to be permanently eſtabliſhed by the
ſaid mayor, aldermen and commonalty.

27 VI. *And be it further enacted*, That the ſaid preſident, direc-
tors and company, ſhall always keep in good order and repair one
or more turnpikes, for the paſſage of perſons travelling on foot,
at each of the ſaid gates, through which all ſuch foot paſſengers
ſhall at all times be permitted to paſs freely, without exacting
28 toll thereſor; and that it ſhall and may be lawful to and for the ſaid
preſident and directors at any time, and for ſuch time as in their
diſcretion they may think proper, to diminiſh the ſaid toll, or in-
ſtead of two gates to exact toll at only one gate; *Provided*, The
toll exacted at ſuch one gate, ſhall not exceed in amount the ſum
which they are in and by this act authoriſed to exact at the two
gates collectively.

29 VII. *And be it further enacted*, That the ſaid preſident and di-
rectors ſhall cauſe a mile ſtone to be erected at the termination of
each mile, and the diſtance from the city of Albany to be fairly
30 and legibly marked thereon; and ſhall cauſe to be affixed to each
gate, and to preſerve the ſame in good condition, a printed liſt of
31 the tolls which may be lawfully demanded; and that the ſaid
preſident, directors and company may in their diſcretion, at any
time hereafter, cauſe trees to be planted either in the whole ex-
tent, or ſuch parts thereof, as they ſhall from time to time deem
proper, on the ſides of the ſaid road, within the limits preſcribed
for its breadth, at ſuch diſtance and ſo diſpoſed as to them ſhall
ſeem meet.

32 VIII. *And be it further enacted*, That if any perſon or per-
ſons ſhall wilfully break or throw down, or deface any mile-ſtone
or guide-poſts, erected on the ſaid road for the information or con-
venience of the people of this ſtate, or trees planted or growing
thereon, or ſhall cut, break down, or otherwiſe deſtroy any of the
gates or turnpikes which ſhall be erected in purſuance of this act,
every ſuch perſon ſhall be liable to pay treble damages to the ſaid
preſident, directors and company; and if ſuch treble damages ſhall
not exceed the ſum of ten dollars, then the ſum of ten dollars, to
be recovered in an action of treſpaſs, with coſts, by the ſaid preſi-
dent, directors and company, in any court having cognizance
33 thereof; that if any perſon ſhall forcibly paſs any of the ſaid gates
without having paid the legal toll, every ſuch perſon ſhall pay to
the ſaid preſident, directors and company, the ſum of five dollars,
to be recovered by them in manner aforeſaid.

34 IX. *And be it further enacted*, That if any toll-gatherer ſhall
unreaſonably delay or hinder any traveller or paſſenger, at any
of the gates, or ſhall demand or receive more toll than is by this
act eſtabliſhed, or ſhall be preſcribed by the ſaid preſident and di-
rectors, he ſhall for every ſuch offence forfeit and pay the ſum
of five dollars, to be recovered by action of debt by the perſon ſo
unreaſonably delayed, hindered or defrauded, before any juſtice of
the peace of the county in which ſuch offence ſhall have happened;
and that if any perſon who ſhall uſe the turnpike road, ſhall evade
the payment of toll, by going round the toll-gate, he ſhall forfeit

and pay four-fold the amount of toll which he would have been liable to pay if he had paſſed through ſuch gate with his horſe or other animal, or carriage, to be recovered in like manner, with coſts.

X. *And be it further enacted*, That any of the toll-gatherers, 35
may ſtop and detain the horſes, cattle or carriages, riding the ſaid road, until the perſons on horſeback or driving ſuch carriages ſhall pay the toll legally due, or may diſtrain ſuch horſes, cattle or carriages, or any thing therewith being, or thereto appertaining, ſufficient to ſatisfy ſuch toll, which diſtreſs ſhall be kept by the toll-gatherer for the ſpace of twenty-four hours, and as ſoon thereafter as may be, ſold at public vendue, either in the city of Albany or Schenectady, to the higheſt bidder, rendering the ſurplus on demand, if any there be, after ſatisfying ſuch toll and the coſts of diſtreſs and ſale, to the owner or owners thereof.

XI. *And be it further enacted*, That the ſaid preſident, direct- 36
ors and company ſhall cauſe regular books to be kept of their expenditures, in conſtructing ſuch turnpike road, of purchaſing the land over which the ſame ſhall be laid out, of completing the ſame by repairing or new recovering ſuch parts as ſhall have been injured or impaired, and of all coſts, charges and expences, in any way relating to the ſame, and ſhall as ſoon as the ſame ſhall have been completed and inſpected in the manner herein after mentioned, exhibit an account thereof to the comptroller, who ſhall examine and liquidate the ſame; that if at any time there- 37
after, the ſaid preſident, directors and company ſhall plant trees on either or both ſides of the ſaid road, within the diſtance of three rods from a line drawn through the middle of the ſaid turnpike road, the expence of procuring, planting and preſerving the ſame, ſhall in like manner be liquidated and added to, ſo as to 38
compoſe part of the aggregate expenditure of the ſaid company; and that whenever ſuch ſums, with fourteen per centum per annum on the ſame, ſhall have been re-paid to the ſtockholders, the corporation hereby created ſhall ceaſe and determine.

XII. *And be it further enacted*, That the preſident and direc- 39
tors ſhall keep a juſt and true account of the production of ſuch toll and of the monies from time to time expended, in the altering, repairing and management thereof; and that they ſhall make 40
regular half yearly dividends of ſuch productions, previouſly deducting the amount of all ſuch monies ſo expended in the repairing, altering and management of the ſaid road, and ſhall publiſh the ſame in one or more of the public newſpapers printed in the city of Albany.

XIII. *And be it further enacted*, That the ſaid preſident, direc- 41
tors and company, may in their diſcretion appropriate any public highway in the track of ſuch turnpike road for the purpoſe of conſtructing ſuch turnpike road; *Provided*, They make another good and ſufficient road contiguous thereto, and keep the ſame in repair until ſuch turnpike road ſhall be completed.

XIV. *And be it further enacted*, That as ſoon as the ſaid turn- 42
pike road ſhall be completed, the ſaid preſident and directors ſhall

notify the person administering the government of this state, who shall thereupon appoint three persons to view the same, and report to him whether such turnpike road is well and sufficiently finished, according to the true intent and meaning of this act; and if such persons or any two of them shall report that it is so finished, then it shall be lawful for the person administering the government, by licence under his hand and the privy seal of the state, to authorise the said president, directors and company to fix gates on the said turnpike road.

43 XV. *And be it further enacted*, That three disinterested freeholders shall be appointed by the governor and council of appointment, whose duty it shall be upon complaint made on reasonable grounds, to examine the said road from time to time, and whenever they shall find the same out of repair, to order the toll-gate on such part of the said road as shall be so out of repair, to be kept open until it shall in their opinion be well and sufficiently amended and repaired; and that the said commissioners shall have and receive as a compensation for their services, respectively, the sum of two dollars for each day they shall be necessarily engaged in viewing and inspecting the said road; *Provided*, Such viewing and inspection do not exceed two days in any one month of the year, which said compensation shall be paid to such commissioners by the said president, directors and company.

44 XVI. *Provided always, and be it further enacted*, That nothing in this act contained shall authorise the said president, directors and company, to stop up or obstruct the old road between the city of Albany and Schenectady, on which the mile-stones are now standing.

XVII. *And be it further enacted*, That if the said turnpike road shall not be completed in the manner herein before prescribed, within five years from the passage of this act, then this act shall cease and be void; and the property acquired in land and improvement made on such turnpike road by the said president, directors and company, shall vest in the people of this state.

RENSSELAER AND COLUMBIA.

CHAP LXX.

Contents.

Directors authorised to dispose of additional Shares.

An ACT *making additional Provision for completing the Rensselaer and Columbia Turnpike Road.*

Passed March 30th, 1802.

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall be lawful for the president, directors and company of the Rensselaer and Columbia turnpike road, to sell, for the purpose of completing the said road, as many additional shares, at twenty dollars each, as shall be found

necessary for the due completion thereof, subject to the directions, provisions and true meaning of the acts passed in relation thereto; *Provided*, That the whole number of additional shares to be sold by virtue hereof, shall not exceed two hundred.

ORANGE COUNTY.

CHAP. LXXXIV.

Contents.

1. Company authorised to encrease their Shares to 270.
2. Toll, Rates of, varied from former law.

An ACT *to amend an Act, entitled "An Act to establish a Turnpike Corporation in the County of Orange.*

Passed April 1st, 1802.

WHEREAS the president, directors and company, of the Orange turnpike road, have by their petition represented to the legislature, that they have completed the said road, and that their present stock proves insufficient to defray the expences of making the said road, and erecting toll-houses and gates on the same; and for relief have prayed the said act to be so amended as to enable them to increase their toll and number of shares: Therefore,

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for the president, directors and company of the said turnpike road, to receive subscriptions to the stock of the said company, until the whole number of shares shall amount to two hundred and seventy. 1

II. *And be it further enacted*, That instead of the rate of toll allowed to be taken and collected, from all persons using the said road, as contained in the ninth section of the said act, it shall and may be lawful for the said president, directors and company, to appoint toll-gatherers, to collect and receive from all and every person or persons using the said road, or any part thereof, the tolls and duties following, that is to say: For any number of miles not less than ten, the following sums of money, and so in proportion for any greater or less distance, to wit: For every score of sheep or hogs, ten cents; for every score of cattle, horses or mules, twenty cents, and so in proportion for any greater or lesser number of sheep, hogs, cattle, horses or mules; for every horse or mule and rider, or led horse or mule, six cents; for every sulkey, chair or chaise with one horse, eighteen cents; for every cart drawn by one horse or mule, nine cents; for every coach, coachee or phaeton, thirty-one cents; for every stage waggon or other four wheel carriage, drawn by two horses, mules or oxen, and for every cart drawn by two oxen, nineteen cents, and six cents for every additional horse, mule or ox; for every sleigh or sled, drawn 2

by two horſes, mules or oxen, twelve and an half cents, and in like proportion if drawn by a greater or leſſer number of horſes, mules or oxen.

SENECA.

CHAP. LXXXIX.

Contents.

1. Former Act, ſo much thereof as reſpects the Aſcents of the Road, repealed.
2. Secretary authoriſed to proſecute for Fines and Forfeitures.

An ACT *relating to the Seneca Turnpike Road Company.*

Paſſed April 1ſt, 1802.

WHEREAS it hath been repreſented to the legiſlature, by the preſident of the ſaid company, that it is impracticable to comply with ſo much of the firſt ſection of the act, entitled "An act to amend the act incorporating the Seneca Road Company," as reſpects the aſcents of the ſaid road: Therefore,

1 I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly*, That ſo much of the ſaid firſt ſection, as reſpects the aſcents of the ſaid road, ſhall be and hereby is repealed.

2 II. *And be it further enacted*, That the ſecretary of the ſaid company, ſhall be and he hereby is empowered to ſue for and recover all fines and forfeitures, incurred under the act incorporating the ſaid company, in the name and for the uſe of the ſaid company.

TROY AND SCHENECTADY.

CHAP. XCV.

Contents.

37. Accounts of expences, to be rendered to the Comptroller.
41. ——— Of Toll, a true and juſt account to be kept.
3. Bye-Laws and Ordinances, may from time to time be made.
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22. Damages, how aſcertained, in caſe of diſagreement.
42. DIVIDENDS.—40. INTEREST.—4. TRANSFERS.
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33, 35. Penalties againft this act, how recovered.
12. Prefident, how elected—Prefident pro tem. may be chofen.
17. Road, by whom to be laid out---18. Expence thereof.
19. ——— Breadth thereof---how made, and of what Materials.
43. ——— When finifhed, Commiffioners to view and report.
44. ——— Commiffioners, from time to time to infpect, &c.
27. Schenectady City, Rights referved to the Corporation thereof.
5. Stock, to confift of 350 Shares of 50 dollars each.
15. Stockholders, general meeting of, how called.
25. Toll, Rates of.—29. May be leffened, or exacted at one gate.
26. ——— Carriages loaded with wood, &c. exempted from.
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34. Toll-Gatherers, penalties on, for mifconduct.
36. ——— Powers granted to.
16. Treafurer, to give bond with fecurity.
32. Trees, may be planted.—38. Expence of, part of the Stock.

An ACT *for establishing a Turnpike Road from opposite the Village of Troy to the City of Schenectady.*

Paffed April 2d, 1802.

WHEREAS Ephraim Morgan, George Tibbits and Abraham Oothoudt and others, have entered into an affociation to form a company for making a turnpike road between the village of Troy and the city of Schenectady, and have prayed to be incorporated for that purpofe: Therefore,

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the faid Ephraim Morgan, George Tibbits and Abraham Oothoudt and their affociates, are hereby conftituted a body corporate and politic, by the name of "The Prefident, Directors and Company of the Troy and Schenectady Turnpike;" and by that name fhall have perpetual fucceffion; fue and be fued, defend and be defended, in all actions and matters whatfoever; have a common feal, and change the fame at pleafure; purchafe, take, hold and convey any eftate real or perfonal; *Provided*, That fuch real eftate fhall not, at the time of acquiring the fame, exceed in value the fum of four thoufand dollars; *And provided further*, That fuch eftate fhall be neceffary to effect the object of the incorporation; that the prefident and directors of the faid company fhall and may have authority from time to time to pafs fuch bye laws and ordinances for regulating the concerns of

the said company, the conduct and duty of their members, officers, agents and servants, the compensation to be granted to
4 them respectively, the manner of making transfers of the stock of the said company, convening and holding their stated and other meetings, and all other matters relative to the said turnpike road, as to them shall seem proper, and as shall not be repugnant to the constitution and laws of this state or of the United States, and the same to repeal or amend at pleasure; that the stock of
5 the said company shall be deemed personal property and shall consist of three hundred and fifty shares of fifty dollars each, to be paid on the requisition of the president and directors, in such proportions, at such periods, and after such notice as they shall direct and appoint, upon pain of forfeiture of such shares and all previous payments, if such requisitions shall not be complied with within thirty days after the times respectively appointed for that pur-
6 pose; that for the purpose of receiving subscriptions of shares in the stock of the said company, Ephraim Morgan, George Tibbits and Abraham Oothoudt shall on or before the first day of May next, cause to be provided two books, one to be kept by the said Ephraim Morgan and George Tibbits, in the village of Troy, the other by the said Abraham Oothoudt, in the city of Schenectady, and in each of said books shall be entered the form of an engagement to be made and subscribed by the subscribers to the said stock, to pay such sums of money on each of their shares, in such manner and proportion, and at such time and place as shall or may be determined by the said president, directors and company; and every subscriber shall, at the time of subscribing, pay unto the said Ephriam Morgan, George Tibbits and Abraham Oothoudt, or either of them, the sum of two dol-
7 lars and fifty cents on each share subscribed by him: That the management of the concerns of the said company shall be entrusted to nine directors, who shall be stockholders, resident in the state of New-York, and who shall continue in office one year
8 from the first Tuesday of January in every year: That there shall be an election on the Tuesday preceding every such first Tuesday of January, at such place in the village of Troy, and at such hour, as the president and directors shall appoint by bye-laws by them from time to time to be made at any of their stated meetings, or by a notification by them to be made and published in one public newspaper printed in the said village of Troy, and in one public newspaper printed in the city of Schenectady, at least
9 one week before such election-day: That all such elections shall be by ballot, by the stockholders present either in person or by proxy, such stockholders voting in the following proportions, that is to say: One vote for every share not exceeding twenty: *Provided*, That no stockholder shall have more then twenty votes: *And Provided also*; That no share shall confer a right of voting for directors at any such election, which shall not have been held at least three calendar months before the day of such election, by the person offering to vote therefor: That the stockholders present, immediately before the opening of such election, and after the hour appointed

for holding the ſame, ſhall, by a plurality of votes, choose three ſtockholders, then alſo preſent, inſpectors of ſuch election: That ſuch inſpectors ſhall receive the ballots, and immediately 10 after the election is closed, openly examine, count and eſtimate the votes, and ſhall thereupon make and ſubſcribe a certificate of the reſult of ſuch election, ſpecifying the names of the perſons ſo elected directors, and the names of ſuch as have an equal number of votes for directors, if by means of ſuch equality of votes the requiſite number of directors ſhall not have been elected; That if any two or more perſons ſhall have an equal number of 11 votes for directors, ſo as that nine directors ſhall not have been elected at any ſuch election, the ſtockholders ſhall thereupon at the ſame place proceed, in manner aforeſaid, to elect of the perſons who ſhall have had an equal number of votes as aforeſaid, by plurality of votes, ſo many as ſhall complete the number of nine directors: That if ſuch elections ſhall not be held at any of the days for that purpoſe appointed, it ſhall be lawful to proceed to ſuch election on any other day by the directors to be appointed in like manner and with like effect as if the ſame had been held at the time above for that purpoſe appointed; and the directors for the preceding year, ſhall in that caſe be incapable after ſuch firſt Tueſday in January, of performing any act as directors, other than ſuch as may be neceſſary to give ſuch election effect: That the directors ſhall on the firſt Tueſday after any 12 ſuch election, by plurality of votes, elect one of their number preſident, who ſhall in like manner hold his office for one year, or until the next election: That in caſe of the abſence of ſuch preſident, the directors preſent at any meeting may in like manner appoint a preſident for the meeting: That the preſident ſhall have a caſting vote and no other: That in caſe of vacancy in the 13 office of director, by death, reſignation or otherwiſe, other or others ſhall be elected by the ſtockholders, in manner aforeſaid, to fill ſuch vacancy, and for that purpoſe it ſhall be the duty of the preſident to call a meeting of the ſtockholders at ſuch time and place, and upon ſuch notice as ſhall be preſcribed by the bye laws of the company: That Ephraim Morgan ſhall be the firſt preſident, and George Tibbits, Abraham Oothoudt, Derick Lane, Abraham Ten Eyck, Albert Pawling, John Bird, Silas Covil and Daniel Merritt, ſhall be the firſt directors of the ſaid company; and that they ſhall continue in office until the firſt Tueſday of January next.

II. *And be it further enacted*, That the ſtockholders of the ſaid 14 company, may make ſuch compenſation to the preſident, for any extraordinary attendance, as ſhall appear to them reaſonable; but that neither the preſident nor any of the directors, ſhall be entitled to any emoluments, but ſuch as ſhall have been allowed at a general meeting of the ſtockholders: That the preſident 15 and directors of the ſaid company, ſhall be authoriſed to call a general meeting of the ſtockholders, for purpoſes relative to the inſtitution, giving at leaſt one week's notice thereof, in one public newſpaper printed in the village of Troy, and in one public

newſpaper printed in the city of Schenectady, if any ſuch there be ſpecifying the purpoſes of ſuch meeting.

16 III. *And be it further enacted*, That the treaſurer of the ſaid company, before he enters on the duties of his office, ſhall give bond with two ſufficient ſureties, conditioned for the juſt and faithful execution of his office.

IV. *And be it further enacted*, That the ſaid turnpike road ſhall be four rods in breadth, and ſhall commence at or near the houſe now occupied by Annanias Platt, oppoſite the village of Troy, and ſhall be made in the moſt convenient and direct
17 route to Union-ſtreet, in the city of Schenectady: That the direction of the ſaid turnpike road, ſhall be determined and marked out by three diſintereſted commiſſioners, to be appointed by the perſon adminiſtering the government of this ſtate: And it ſhall be the duty of the ſaid commiſſioners, to lay out the direction of ſuch road without favour or partiality, according to the beſt of their judgment, ſo as to anſwer the object of this incorporation and ſecure the public intereſt; and the ſaid commiſſioners, ſhall cauſe an accurate map of the ſurvey of ſuch road, deſignating particularly the track and breadth thereof, to be made, and filed
18 in the clerk's office of the city and county of Albany, and the expences of ſurveying the ſaid road, and making and recording ſuch map, together with an allowance to the ſaid commiſſioners, at the rate of three dollars per day for their ſervices, ſhall be
19 paid by the ſaid company: That the ſaid road ſhall be made by bedding at leaſt the breadth of twenty-ſix feet with ſtone or other hard ſubſtance, ſo as to make a ſolid foundation, and the ſame ſhall be covered with gravel or other hard ſubſtance, ſo as to
20 make the ſurface thereof firm and ſmooth; and the ditches on the ſides of the ſaid road ſhall, where it may be practicable, be of a proper width and ſufficiently level, to form a good road for ſleighs.

21 V. *And be it further enacted*, That the ſaid preſident and directors, may contract and agree with the owners of ſaid land, for the purchaſe of ſo much thereof, as ſhall be neceſſary for the purpoſe of making the ſaid road, and for erecting and eſtabliſhing gates, toll-houſes, and all other works to the ſaid road be-
22 longing; and in caſe of diſagreement between the ſaid parties, reſpecting the damages to be done to the ſaid land, or if the owner or owners ſhall be feme covert, inſane or under age, or out of the county, then it ſhall and may be lawful for the ſaid preſident and directors, to apply to one of the judges or aſſiſtant juſtices of the court of common pleas in and for the county of Albany, not intereſted in the ſaid road, who is hereby authoriſed and required to nominate, and by an inſtrument in writing ſigned by him, to appoint three commiſſioners, being freeholders of the ſaid county, and who ſhall not be inhabitants of any of the towns through which the ſaid road ſhall paſs, nor intereſted in ſaid road; and it ſhall be the duty of the ſaid preſident and directors, to cauſe a copy of ſuch appointment to be ſerved on each of the ſaid commiſſioners, who, or any two of them, ſhall thereupon

name a day for meeting on the ſaid land, and performing the duties required of them by this act; and alſo to give notice in writing, to the owner or owners of ſuch land of the ſaid appointment, and the day, being at leaſt four days from the time of giving ſuch notice, when and where the commiſſioners will meet, for the purpoſe of examining the lands and aſſeſſing the damages, except in caſe the owner or owners ſhall labour under any of the diſabilities aforeſaid, or be abſent; in either of which caſes a copy of ſuch notice may be left at the dwelling houſe of the party, if any, or other notorious place on the land through which ſaid road ſhall paſs: *And further*, Each of the ſaid commiſſioners, before he proceed to exerciſe the truſt repoſed in him by this act, ſhall take and ſubſcribe an oath or affirmation before one of the juſtices of the peace, in and for the ſaid county, that he will without favour or partiality, eſtimate and aſſeſs the damages which may be ſuſtained, by the owner or owners, or occupants of any lands or improvements, which the ſaid corporation may deem neceſſary for the ſaid road, and the commiſſioners ſhall then proceed to view the premiſes, and having determined the damages, ſhall make an inquiſition under their hands and ſeals, or the hands and ſeals of any two of them, ſtating particularly the quantity of land belonging to each perſon by them appraiſed, and the amount of damage, if any, which each or any of the owners or occupants of any parcel of land, uſed or to be uſed for ſaid road, have ſuſtained or ſhall ſuſtain, which inquiſition ſhall be acknowledged by the commiſſioners ſigning the ſame, before one of the judges aforeſaid, and filed, together with the affidavit aforeſaid, in the office of the clerk of the ſaid county of Albany, who ſhall at the expence, coſts and charges of the preſident and directors aforeſaid, enter the ſame of record in the book kept by him for recording deeds; and the ſaid corporation, paying to the ſaid ſeveral 32
owners of the ſaid land, on demand, the ſeveral ſums awarded by ſuch inquiſition, ſhall have and hold to them, their ſucceſſors and aſſigns for ever, the lands and tenements deſcribed therein; and the preſident and directors aforeſaid, ſhall pay to the judge who made the appointments of the ſaid commiſſioners, two dollars for his ſervices, and to each of the ſaid commiſſioners, for every day neceſſarily attending the duties required of them by this act, two dollars and fifty cents: *Provided*, That nothing in this act contained, ſhall be conſtrued to authoriſe the ſaid preſident and directors, or any other perſon whatever, to enter upon ſuch lands and thereupon make the ſaid road, until they ſhall have paid the value of ſuch lands, together with ſuch damages as may be agreed upon or appraiſed, according to the proviſion of this act.

VI. *And be it further enacted*, That as ſoon as the ſaid turnpike 24
road ſhall be completed, and licence granted by the perſon adminiſtering the government of this ſtate, as is herein after preſcribed, it ſhall and may be lawful to and for the ſaid preſident, directors and company to erect two gates on the ſame, and to exact at each of the ſaid gates the tolls herein after mentioned, that is to ſay: For every ſcore of ſheep, five cents; for every ſcore of hogs, five 25

cents; for every ſcore of cattle, horſes or mules, twelve cents, and ſo in proportion for a greater or leſs number; and for every horſe and rider or led horſe, four cents; for every ſulkey, chair or chaiſe, with one horſe, twelve and an half cents; for every chariot, coach, coachee or phaeton, twenty-five cents; for every ſtage waggon, or other four wheeled carriage, drawn by two horſes or oxen, ten cents, and two cents for every additional horſe or ox; for every cart, ſleigh or ſled, drawn by two oxen or horſes, four cents, and for every additional horſe or ox, two cents; *Provided*,
26 That nothing in this act ſhall be conſtrued to authoriſe the exaction of toll for any carriage loaded with an ordinary load of firewood, turf, foſſil-coal or hay, or the horſes, oxen or other animals drawing the ſame, or from any perſon or perſons paſſing to or from public worſhip, or going to or from his ordinary buſineſs on his farm; *And provided further*, That no toll-gate ſhall be erected within three miles from the point of the commencement or termination of the ſaid road, as herein before deſignated and fixed;
27 *And provided further*, That the mayor, aldermen and commonalty of the city of Schenectady, may whenever they ſhall deem it neceſſary for the convenience of the inhabitants of the ſaid city of Schenectady, cauſe ſuch part of the turnpike track as ſhall lay within the limits of the ſaid city, to be pitched, levelled and paved, in ſuch manner as to them ſhall ſeem proper, ſo as that the ſaid preſident, directors and company be exempted from any expence incurred by means or ſuch pitching, levelling or paving, or keeping ſuch part thereof as may be paved in repair; and that the ſaid turnpike company ſhall not be permitted to alter the level ſo eſtabliſhed by the ſaid mayor, aldermen and commonalty.

28 VII. *And be it further enacted*, That the ſaid preſident, directors and company, ſhall always keep in good order and repair one or more turnpikes for the paſſage of perſons travelling on foot, at each of the ſaid gates, through which all foot paſſengers ſhall at all times be permitted to paſs freely without exacting toll therefor;
29 and that it ſhall and may be lawful to and for the ſaid preſident and directors, at any time, and for ſuch time as in their diſcretion they may think proper, to diminiſh the ſaid toll, or inſtead of two gates, to exact toll at only one gate; *Provided*, The toll exacted at ſuch one gate ſhall not exceed in amount the ſum which they are in and by this act authoriſed to exact at the two gates.

30 VIII. *And be it further enacted*, That the ſaid preſident and directors ſhall cauſe a mile-ſtone to be erected at the termination of each mile on ſaid road, and the diſtance from the village of Troy
31 to be fairly and legibly marked thereon, and ſhall cauſe to be affixed to each gate, and to preſerve the ſame in good condition, a printed or painted liſt of the tolls which may be lawfully demand-
32 ed; and that the ſaid preſident, directors and company may at their diſcretion, at any time hereafter, cauſe trees to be planted on the ſides of the ſaid road, at ſuch diſtance and ſo diſpoſed as to them ſhall ſeem proper and convenient.

33 IX. *And be it further enacted*, That if any perſon or perſons ſhall wilfully break or throw down or deface any mile-ſtone or

guide-posts erected on the said road for the information or convenience of the people of this state, or trees planted or growing thereon, or shall cut, break down or otherwise destroy any of the gates or turnpikes which shall be erected in pursuance of this act, every such person shall be liable to pay treble damages to the said president, directors and company, to be recovered in an action of trespass, with costs, by the said president, directors and company, in any court having cognizance thereof; that if any person shall forcibly pass any of the said gates without having paid the legal toll, every such person shall pay to the said president, directors and company, the sum of five dollars, to be recovered by them in manner aforesaid.

X. *And be it further enacted*, That if any toll-gatherer shall unreasonably delay or hinder any traveller or passenger at any of the gates, or shall demand or receive more toll than is by this act established, or shall be prescribed by the said president and directors, he shall for every such offence forfeit and pay the sum of five dollars, to be recovered by action of debt, by the person so unreasonably delayed, hindered or defrauded, before any justice of the peace of the county in which such offence shall have happened; and that if any person who shall use the turnpike road shall evade the payment of toll, by going round the toll-gate, he shall forfeit and pay fourfold the amount of the toll which he would have been liable to pay if he had passed through such gate with his horse or other animal or carriage, to be recovered in like manner, with costs.

XI. *And be it further enacted*, That any of the toll-gatherers may stop and detain the horses, cattle or carriages passing on the said road, until the persons on horseback or driving such cattle or carriages shall pay the toll legally due, or may distrain such horses, cattle or carriages, or any thing therewith being, or thereto appertaining, sufficient to satisfy such toll, which distress shall be kept by the toll-gatherer for the space of twenty-four hours, and as soon thereafter as may be, sold at public vendue, either in the village of Troy or city of Schenectady, to the highest bidder, rendering the surplus on demand, if any there be, after satisfying such toll and the costs of distress and sale, to the owner or owners thereof.

XII. *And be it further enacted*, That the said president, directors and company, shall cause regular books to be kept of their expenditures in purchasing land over which said turnpike road shall be laid out, in constructing and completing the same, and in repairing such parts thereof as shall have been injured or impaired, and of all costs, charges and expences, in any way relating to the same, and shall as soon as the same shall have been completed and inspected, in the manner herein after mentioned, exhibit an account thereof to the comptroller who shall examine and liquidate the same; that if at any time thereafter the said president, directors and company shall plant trees on either or both sides of the said road, within the space herein before limited and allowed for the breadth of the said road, or land to be occupied by the said

preſident, directors and company, as herein before provided, the expence of procuring, planting and preſerving the ſame, ſhall in like manner be liquidated and added to, ſo as to compoſe part of
39 the aggregate expenditure of the ſaid company; and that when-
40 ever ſuch ſums, with fourteen per centum per annum on the ſame ſhall have been repaid to the ſtockholders, the corporation hereby created ſhall ceaſe and determine.

41 XIII. *And be it further enacted*, That the preſident and directors ſhall keep a juſt and true account of the product of ſuch toll, and of the monies from time to time expended in the altering and repairing the ſaid road, and in the management of the concerns
42 thereof, and that they ſhall make regular half yearly dividends of ſuch product, previouſly deducting the amount of all ſuch monies ſo expended in the repairing, altering and management of the ſaid road, and ſhall publiſh the ſame in one public newſpaper printed in the village of Troy, and in one public newſpaper printed in the city of Schenectady, if any ſuch there be.

43 XIV. *And be it further enacted*, That as ſoon as the ſaid turnpike road ſhall be completed, the ſaid preſident and directors ſhall notify the perſon adminiſtering the government of this ſtate, who ſhall thereupon appoint three perſons to view the ſame, and report to him whether ſuch turnpike road is well and ſufficiently finiſhed according to the true intent and meaning of this act; and if ſuch perſons, or any two of them, ſhall report that it is ſo finiſhed, then it ſhall be lawful for the perſon adminiſtering the government of this ſtate by licence under his hand and the privy ſeal of the ſtate, to authoriſe the ſaid preſident, directors and company to fix gates on the ſaid turnpike road.

44 XV. *And be it further enacted*, That three diſintereſted freeholders ſhall be appointed by the governor and council of appointment, whoſe duty it ſhall be on complaint made and reaſonable grounds therefor, to examine the ſaid road from time to time, and whenever they ſhall find the ſame out of repair, to order the toll-gates on ſuch part of ſaid road as ſhall be ſo out of repair to be kept open, until it ſhall, in their opinion, be well and ſufficiently amended and repaired; and that the ſaid commiſſioners ſhall have and receive, as a compenſation for their ſervices, reſpectively the ſum of two dollars for each day they ſhall be neceſſarily engaged in viewing and inſpecting the ſaid road; *Provided*, Such viewing and inſpection do not exceed two days in any one month of the year; which ſaid compenſation ſhall be paid ſuch commiſſioners by the ſaid preſident, directors and company.

45 XVI. *And be it further enacted*, That if the ſaid turnpike road ſhall not be completed in the manner herein before preſcribed within five years from the paſſing of this act, then this act ſhall ceaſe and be void, and the property acquired, in land and improvements made on ſuch turnpike road by the ſaid preſident, directors and company, ſhall veſt in the people of this ſtate.

HUDSON AND LIVINGSTON.

CHAP XCVI.

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An ACT *for establishing a Turnpike Corporation for improving and making a Road from a Place near the House of Fite Miller, in the Town of Livingston, to the City of Hudson.*

Paſſed April 2d, 1802.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Reuben Folger, Alexander Coffin, John Hathaway, James Hyatt and Thomas Jenkins, and all ſuch others as ſhall aſſociate for the purpoſe of making a good and ſufficient road, to run in the moſt direct and convenient route, as far as circumſtances will admit, from a place near the houſe of Fite Miller, in the town of Livingſton, to the city of Hudſon, their ſucceſſors and aſſigns, be and they are hereby created and made a body corporate and politic, by the name of the "Preſident, Directors and Company of the Hudſon Branch Turnpike Road;" and they are hereby ordained, conſtituted and de-

clared to be a body corporate and politic, in fact and in name, and by that name they and their ſucceſſors ſhall and may have continual ſucceſſion, and ſhall be perſons in law, capable of ſuing and being ſued, pleading and being impleaded, anſwering and being anſwered unto, defending and being defended, in all courts and places whatſoever, in all manner of actions, ſuits, complaints, matters and cauſes whatſoever; and they and their ſucceſſors, by the ſame name and ſtile, ſhall be in law capable of purchaſing, holding and conveying any eſtate, real and perſonal, for the uſe
2 of the ſaid corporation: *Provided*, That the amount of ſuch real eſtate, which the ſaid corporation are hereby authoriſed to purchaſe and hold, ſhall not exceed at the time of purchaſing the ſame, two thouſand dollars: *And provided further*, That ſuch eſtate, as well real as perſonal, ſo to be purchaſed and held, ſhall be neceſſary to fulfil the end and intent of the ſaid corporation and to no other purpoſe whatſoever.

3 II. *And be it further enacted*, That Reuben Folger, Alexander Coffin and John Hathaway, be and they hereby are appointed commiſſioners, to do and perform the ſeveral duties herein after mentioned, that is to ſay: They ſhall on or before the firſt day of June next, procure three books, and in each of them enter as follows: "We whoſe names are hereunto ſubſcribed, do for ourſelves and our legal repreſentatives, promiſe to pay to the preſident, directors and company of the Hudſon branch turn-
4 pike road, the ſum of twenty-five dollars, for every ſhare of ſtock in ſaid company, ſet oppoſite to our reſpective names, in ſuch manner and proportion, and at ſuch time and place, as ſhall be determined by the ſaid preſident, directors and company." One of each books ſhall be left with each of the ſaid commiſſioners, at their reſpective places of abode, who ſhall immediately open the ſame and keep the ſame open for the purpoſe of receiving ſubſcriptions; and every ſubſcriber ſhall at the time of ſubſcribing pay unto either of the ſaid commiſſioners, two dollars
5 and fifty cents for each ſhare ſo by him ſubſcribed; and the ſaid commiſſioners ſhall as ſoon as five hundred ſhares are ſubſcribed, cauſe an advertiſement to be inſerted in one of the public newſpapers printed in the city of Hudſon, giving at leaſt ten days notice of the time and place when and where the ſame ſubſcribers
6 ſhall meet to chooſe ſeven directors, who ſhall be ſtockholders, for the purpoſe of managing the concerns of the company for one year; and the ſaid directors ſhall be choſen by ballot, by the
7 ſtockholders then preſent; and the day of chooſing ſaid directors ſhall for ever thereafter be the anniverſary day for chooſing
8 ſaid directors; and any five of ſaid directors ſhall be a quorum, and capable of tranſacting the buſineſs of the ſaid corporation; and every act of a majority of the directors ſo met, ſhall be bind-
9 ing on the ſaid corporation; and the ſaid directors, elected by a plurality of the ſtockholders preſent, ſhall immediately proceed
10 to elect by ballot, one of their number for preſident; and the ſaid preſident and directors may meet from time to time at ſuch places as they may find expedient and direct, and they ſhall have

power to make ſuch bye laws, rules, orders and regulations, not inconſiſtent with the conſtitution and laws of this ſtate, or of the United States, as they ſhall deem neceſſary for the well ordering the affairs of the ſaid corporation; *Provided*, That at the elec- 11
tion of directors, the ſtockholders not preſent may vote by proxy for directors, and each ſtockholder ſhall be entitled to one vote for every ſhare he ſhall hold under the number of ten ſhares, and one additional vote for every ten ſhares he ſhall hold above the number of ten ſhares.

III. *And be it further enacted*, That in caſe of the death, abſence or 12
inability of the preſident, a quorum of the directors met may chooſe or appoint a preſident pro tempore, and ſhall and may proceed and tranſact the buſineſs of the ſaid corporation in like manner as if the preſident were preſent with them.

IV. *And be it further enacted*, That the ſaid preſident and di- 13
rectors may continue to receive ſubſcriptions to the ſtock of the ſaid corporation until there ſhall have been eight hundred ſhares ſubſcribed, and ſhall have power to appoint ſuch officers, agents, clerks, artiſts, workmen and others under them, as ſhall be neceſſary for executing the buſineſs of the ſaid corporation.

V. *And be it further enacted*, That the ſaid corporation, by three 14
commiſſioners not intereſted in the turnpike, who ſhall be nominated and appointed by the perſon adminiſtering the government of this ſtate for the time being; and whoſe duty it ſhall be to lay out ſuch road according to the beſt of their judgment and underſtanding, without favour or partiality, in ſuch manner that the object of the corporation and the general intereſts of the public ſhall be in the beſt manner effected; and whoſe duty it ſhall be alſo to depoſit and cauſe to be recorded in the office of the clerk of the county, through which ſuch road ſhall paſs, an accurate map of the ſurvey of the ſame, deſignating the ſeveral particular points through which it ſhall paſs; which commiſſioners, for their ſervices as aforeſaid, ſhall be allowed at the rate of two dollars per day, to be paid, together with the expence of ſurveying and recording ſaid map, by the corporation; may enter into and up- 15
on any land where they ſhall deem it proper to conſtruct the ſaid road, and to lay out and ſurvey ſuch tracts or routes as ſhall be thought moſt practicable for making a good and ſufficient road between the places aforeſaid.

VI. *And be it further enacted*, That it ſhall and may be lawful 16
for the ſaid preſident and directors, after the track of the ſaid road ſhall have been deſignated as aforeſaid, to enter upon and take poſſeſſion of ſuch quantity of improved or unimproved land, as ſhall be neceſſary for making the ſaid road, the ſaid preſident, 17
directors and company, paying to the owners of the land ſuch value and damages as ſhall be agreed upon, or in caſe of diſagree- 18
ment, as ſhall be aſſeſſed by two juſtices of the peace, and by the oaths of ſix reſpectable and diſintereſted freeholders, who ſhall be ſummoned by the ſheriff of the county in which ſuch land may be, by virtue of a warrant to be iſſued by the ſaid juſtices for that purpoſe, the right and title to which ſaid land ſo entered upon,

and paid for as aforeſaid, ſhall thereafter be veſted in the ſaid
preſident, directors and company.

19 VII. *And be it further enacted*, That the preſident, directors
and company, ſhall cauſe a road to be laid out four rods wide,
and which ſhall be thirty-three feet between the ditches on each
ſide thereof, twenty-eight feet whereof ſhall be bedded with ſtone
or gravel, well compacted together, one foot in thickneſs; and
the ſaid road ſhall be faced with gravel or other hard ſubſtance ſix
inches deep in ſuch manner as to ſecure a firm, and as near as
the materials will admit, an even ſurface, riſing towards the mid-
ble by a gradual arch, and where it may be practicable the ditches
ſhall be ſo conſtructed as to admit ſleighs to go in them with ſafety.

20 VIII. *And be it further enacted*, That as ſoon as the preſident,
directors and company, ſhall have completed the ſaid road, it ſhall
be lawful for the ſaid preſident and directors, to give notice to
the governor of this ſtate for the time being, who ſhall thereupon
forthwith nominate and appoint three commiſſioners, to view the
ſame and report to him in writing, whether ſuch part of ſaid road
is completed in a workmanlike manner, according to the true in-
tent and meaning of this act; and if the report ſhall be in the af-
firmative, then it ſhall be the duty of the governor, to whom they
report, and he is hereby required, by licence under his hand and
the privy ſeal of the ſtate, to permit the ſaid preſident and direc-
tors, to erect and fix two gates and turnpikes upon and acroſs ſaid
road, to collect the duties and tolls herein after granted to the ſaid
corporation, from all perſons travelling on or uſing the ſame.

21 IX. *And be it further enacted*, That as ſoon as the ſaid road
ſhall be completed, and permiſſion ſo as aforeſaid granted to erect
a gate or gates upon and acroſs the ſame, it ſhall and may be law-
ful for the ſaid preſident and directors to appoint toll-gatherers
to collect and receive of and from all and every perſon or perſons
uſing the ſaid road, at either of the ſaid gates, the tolls and duties
22 herein after mentioned, and no more, that is to ſay: For every
ſcore of ſheep or hogs, four cents; for every ſcore of cattle, horſes
or mules, nine cents; for every horſe and rider, led or driven horſe,
two and a half cents; for every ſulkey, chair or chaiſe with one
horſe, ſix cents; for every cart drawn by one horſe, three cents;
for every chariot, coach, coachee or phaeton, twelve and a half
cents; for every ſtage waggon or other four wheeled carriage
drawn by two horſes, mules or oxen, ſix cents, and two cents for
every additional horſe, mule or ox; for every cart drawn by two
oxen, ſix cents, for every additional horſe or ox, two cents; for
every ſleigh or ſled, two cents, if drawn by two horſes or oxen,
and in like proportion if drawn by a greater or leſs number of hor-
23 ſes or oxen: And it ſhall be lawful for any of the toll-gatherers to
ſtop and detain any perſon riding, leading or driving any horſe,
cattle, ſheep or hogs, ſulkey, phaeton, chair, chaiſe, cart, waggon,
ſleigh or other carriage of burthen or pleaſure, from paſſing
through the turnpike gates, until they ſhall reſpectively have paid
24 the toll as above ſpecified: *Provided*, That nothing in this act ſhall
be conſtrued to entitle the ſaid corporation to demand toll of or

from any perſon paſſing to or from public worſhip, his farm, a funeral, to or from a griſt-mill for the grinding of his grain for his family's uſe, or to or from a blackſmith's ſhop to which he uſually reſorts.

X. *And be it further enacted*, That the ſaid corporation ſhall 25
cauſe mile-ſtones to be erected, one for each mile of the ſaid road, and on each ſtone ſhall be fairly and legibly inſcribed or marked the diſtance the ſaid ſtone is from the court houſe of the city of Hudſon; and ſhall alſo erect guide-poſts at the interſection of all public roads leading into or from the ſaid turnpike road, on which ſhall be inſcribed the name of the town in which ſuch poſt ſtands, and alſo the name of the town or towns to which ſuch interſecting road leads, in the direction to which the hand on the ſame points: And the ſaid corporation ſhall cauſe to be affixed 26
at or over each gate or turnpike, a printed liſt of the rates of toll which may be lawfully demanded.

XI. *And be it further enacted*, That if any perſon or perſons 27
ſhall break or throw down, deface or injure any of the mile-ſtones or guide-poſts, ſo to be erected, or ſhall dig up or ſpoil any part of ſaid road, or any thing thereunto belonging, or ſhall forcibly paſs any or either of ſaid gates, without having previouſly paid the legal toll, ſuch perſon or perſons ſhall for every ſuch offence or injury, forfeit and pay a fine of twenty-five dollars, to be recovered by the treaſurer of the ſaid corporation to their uſe, in an action of debt, with coſts of ſuit, in any court having cognizance of the ſame; and if any perſon or perſons ſhall with his team or teams, carriage or horſe, turn out of the ſaid road to paſs any or either of the gates, on ground adjacent thereto, and again enter on ſaid road, having paſſed the ſaid gate or gates to avoid the payment of the toll due by this act, ſuch perſon or perſons ſhall forfeit and pay a fine not exceeding five dollars, to be recovered in like manner by the treaſurer of the corporation, to their uſe, with coſts of ſuit.

XII. *And be it further enacted*, That if any toll-gatherer ſhall 28
unreaſonably delay or hinder any traveller or paſſenger at any of the gates, or ſhall demand and receive more toll than is by this act eſtabliſhed, he ſhall for every ſuch offence forfeit and pay twenty-five dollars, to be recovered for the uſe of the perſon ſo unreaſonably hindered or detained.

XIII. *And be it further enacted*, That the ſhares in the ſaid turn- 29
pike road, ſhall be deemed and conſidered to be perſonal eſtate, and be transferable in ſuch manner as the ſaid preſident and directors may direct.

XIV. *And be it further enacted*, That the ſaid preſident and di- 30
rectors of the ſaid corporation, ſhall keep a juſt and fair account of all the monies received or to be received by the ſeveral collectors of toll on ſaid road; and ſhall make and declare a dividend of 31
the clear profits and income, all contingent coſts and charges being firſt deducted, among the ſtockholders of the ſaid corporation, on the firſt Tueſdays of January and July in every year; ſhall publiſh the half yearly dividend of the clear profits to be made

among the ſtockholders, and the time and place when and where the ſame will be paid, and ſhall cauſe the ſame to be paid accordingly.

32 XV. *And be it further enacted*, That the ſaid preſident and directors, ſhall within ſix months after the ſaid road ſhall be completed, lodge in the comptroller's office of this ſtate, an account of the expences thereof; and the corporation ſhall annually exhibit to the comptroller, a true account of the dividend ariſing from ſaid toll, with the annual diſburſements.

33 XVI. *And be it further enacted*, That it ſhall and may be lawful for the ſaid preſident and directors, to call and demand from the ſtockholders reſpectively all ſuch ſums of money by them ſubſcribed or to be ſubſcribed, at ſuch times and in ſuch proportions as they ſhall ſee fit, under pain of forfeiture of their ſhares and all the previous payments thereon to the ſaid preſident, directors and company.

34 XVII. *And be it further enacted*, That after the amount of the ſaid number of eight hundred ſhares, mentioned in and by the fourth ſection of this act, ſhall have been appropriated by the ſaid preſident, directors and company, for the purpoſe of making a good and ſufficient road between the places aforeſaid; and the ſum ſo appropriated, ſhall be found inſufficient to effect the purpoſes aforeſaid; it ſhall and may be lawful for the ſaid preſident and directors, in order to complete the ſaid road, to increaſe or raiſe the funds of ſaid corporation, by adding a ſum not exceeding five dollars, to each and every ſhare in the whole ſtock; which ſum ſo to be added ſhall be in equal rates upon each and every ſhare, to be collected and paid in manner aforeſaid, ſubject on default of payment to the pains and forfeitures aforeſaid.

35 XVIII. *And be it further enacted*, That the legiſlature may diſſolve the ſaid corporation, when the income ariſing from the ſaid toll, ſhall have fully paid and compenſated the ſaid corporation, for all monies they may have expended in purchaſing, making, repairing and taking care of the ſaid road, together with
36 an intereſt thereon of fourteen per cent per annum, and thereupon the right, intereſt and property of ſaid corporation, in the road aforeſaid, ſhall be veſted in the people of this ſtate, and be and re-
37 main at their diſpoſal; *Provided*, That if the ſaid corporation ſhall not commence their operations within two years after the paſſing of this act, and ſhall not within ſix years afterwards complete the ſame, according to the true intent and meaning thereof, then and in either caſe this act ſhall ceaſe and be void and of no effect.

38 XIX. *And be it further enacted*, That three diſintereſted freeholders, ſhall be appointed by the governor and council of appointment, whoſe duty it ſhall be to examine the ſaid road from time to time, and whenever they ſhall find the ſame out of repair, to order the toll-gate on ſuch part of ſaid road to be kept open, until it ſhall in their opinion be well and ſufficiently amended and repaired; and that the ſaid commiſſioners ſhall have and receive as a compenſation for their ſervices reſpectively the ſum of two

dollars for each day they shall be necessarily engaged in viewing and inspecting said road; *Provided*, Such viewing and inspection, do not exceed two days in any one month of the year, which said compensation shall be paid to such commissioners by the said president, directors and company.

XX. *And be it further enacted*, That nothing in this act contained, shall authorise the said president, directors and company, to stop up or obstruct the old road or roads between the house of Fite Miller aforesaid and the city of Hudson. 39

ULSTER AND DELAWARE.

CHAP. XCVIII.

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An ACT *to establish a Turnpike Corporation for improving and making a Road from the West Line of the Town of Salisbury, in the State of Connecticut, to the Susquehannah-River, at or near the Town of Jericho.*

Passed April 2d. 1802.

1. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Edward Livingston, John

Atkinſon, Thomas Tillotſon, William Cockburn, Jonathan Haſbrouck, Frederick A. De Zeng, Joſhua Pine, junior, Philip I. Schuyler, David Van Neſs, Ebenezer Dibble and John Radcliff, and ſuch other perſons as ſhall aſſociate for the purpoſe of making a good and ſufficient road, to run in the neareſt, moſt convenient and direct route, as far as circumſtances will admit, from the weſt line of the town of Saliſbury, in the ſtate of Connecticut, commencing at or near the houſe of the late Alexander Spencer, deceaſed, in the town of Northeaſt, in Dutcheſs county; thence by the pine plains, in ſaid town, to the ferry of John Radcliff and Moſes Cantine, over the Hudſon's river, to the village of Kingſton, in the county of Ulſter, and from the village of Kingſton, by the neareſt and moſt practicable route through the town of Walton, in the county of Delaware, to the Suſquehannah-river, at or near the town of Jericho their ſucceſſors and aſſigns, be and they hereby are created a body corporate and politic, by the name of
1 "The Preſident, Directors and Company, of the Ulſter and Delaware Turnpike Road," and they are hereby ordained, conſtituted and declared to be a body corporate and politic in fact and in name; and by that name they and their ſucceſſors, ſhall and may have continual ſucceſſion, and ſhall be capable in law of ſuing and being ſued, pleading and being impleaded, anſwering and being anſwered unto, defending and being defended, in all courts and places whatſoever, in all manner of actions, ſuits, complaints, matters and cauſes whatſoever; and they and their ſucceſſors, by the ſame name and ſtile, ſhall be in law capable of purchaſing, holding and conveying any eſtate real and perſonal, for the uſe of the ſaid corporation; and alſo of purchaſing, holding and conveying the ferry or right of ferriage acroſs Hudſon's river, now owned and poſſeſſed by John Radcliff and Moſes Cantine, together with all the rights and privileges thereto belonging, and ſubject to the ſame regulations and tolls, as are allowed and preſcribed in the original grants thereof, and as the ſame is now held and enjoyed by them; which ferry ſhall be conſidered as part of the ſtock
2 of the ſaid corporation; *Provided*, that the amount of ſuch real eſtate, which the ſaid corporation are hereby authoriſed to purchaſe and hold, ſhall not, beſides the ſaid ferry, exceed twenty thouſand dollars: *And provided further*, That ſuch eſtate, as well real as perſonal, ſo to be purchaſed and held, except the ſaid ferry, ſhall be neceſſary to fulfil the end and intent of the ſaid corporation, and to no other purpoſe whatſoever.

3 II. *And be it further enacted*, That Edward Livingſton, Thomas Tillotſon, Jonathan Haſbrouck, Joſhua Pine, junior, Philip I. Schuyler, Cromlein Verplank and John Radcliff, be and they are hereby appointed commiſſioners, to do and perform the ſeveral duties herein after mentioned, that is to ſay: They ſhall on or before the firſt day of May next, procure eight books, and in each of them enter as follows: "We whoſe names are hereunto ſubſcribed, do for ourſelves and our legal repreſentatives, promiſe to pay to the preſident, directors and company, of the Ulſter and
4 Delaware turnpike road, the ſum of twenty-five dollars, for every

ſhare of ſtock in the ſaid company, ſet oppoſite to our reſpective names, in ſuch manner and proportion, and at ſuch time and place as ſhall be determined by the ſaid preſident, directors and company." One of which books ſhall be left with each of the ſaid commiſſioners, at their reſpective places of abode, who ſhall immediately open the ſame, and keep the ſame open for the purpoſe of receiving ſubſcriptions; and every ſubſcriber ſhall, at the time of ſubſcribing, pay unto either of the ſaid commiſſioners, three dollars for each ſhare ſo by him ſubſcribed; and the ſaid com- 5
miſſioners ſhall, as ſoon as five hunderd ſhares are ſubſcribed, cauſe an advertiſement to be inſerted in one of the public newſpapers printed in the city of New-York, and alſo in the papers printed in the counties of Dutcheſs and Ulſter, giving at leaſt ten days notice of the time and place, when and where the ſaid ſubſcribers ſhall meet to chooſe thirteen directors, who ſhall be ſtockholders, 6
for the purpoſe of managing the concerns of the company for one year; and the ſaid directors ſhall be choſen by ballot, by the ſtockholders then preſent; and the day of chooſing the ſaid 7
directors, ſhall for ever thereafter be the anniverſary day for chooſing directors; and any ſeven of the ſaid directors ſhall be a quorum, and capable of tranſacting the buſineſs of the ſaid corporation; and any act of a majority of the directors ſo met, ſhall be binding on the ſaid corporation; and the ſaid directors, 8
elected by a plurality of the ſtockholders preſent, ſhall immediately proceed to elect by ballot, one of their number for preſident; and the ſaid preſident and directors may meet from time to time at ſuch place as they may find expedient and direct; and they 9
ſhall have power to make ſuch bye laws, rules, orders and regulations, not inconſiſtent with the conſtitution and laws of this ſtate, or of the United States, as they ſhall deem neceſſary, for the well ordering the affairs of the ſaid corporation; *Provided*, That at 10
the election of directors, the ſtockholders not preſent may vote by proxy for directors; and each ſtockholder ſhall be entitled to one vote for every ſhare he ſhall hold under the number of ten ſhares, and one additional vote for every ten ſhares he ſhall hold above the number of ten ſhares.

III. *And be it further enacted*, That in caſe of the death, ab- 11
ſence or inability of the preſident, a quorum of the directors met may chooſe or appoint a preſident pro tempore, and ſhall and may proceed and tranſact the buſineſs of the ſaid corporation in like manner as if the preſident was preſent.

IV. *And be it further enacted*, That the ſaid preſident and di- 12
rectors may continue to receive ſubſcriptions to the ſtock of the ſaid corporation, until there ſhall have been five thouſand ſhares ſubſcribed, and ſhall have power to appoint ſuch officers, agents, clerks, artiſts, workmen and others under them, as ſhall be neceſſary for executing the buſineſs of the ſaid corporation.

V. *And be it further enacted*, That three commiſſioners not in- 13
tereſted in the turnpike, who ſhall be nominated and appointed by the governor and council of appointment, ſhall lay out ſuch road according to the beſt of their judgment and underſtanding,

in ſuch manner as that the object of corporation and the general intereſt of the public ſhall be in the beſt manner effected, without favour or partiality, but to conform to the directions of this act where it may be practicable; and it ſhall be the duty of the commiſſioners ſo appointed, to depoſit in the office of the clerk of the county through which ſuch road ſhall paſs, an accurate map of the ſurvey of the ſame, deſignating the ſeveral particular points through which the ſaid road ſhall paſs; and that the commiſſioners for ſuch ſervices ſhall be allowed at the rate of two dollars per day each, which together with the expence of ſurveying the road and recording the ſurvey, ſhall be paid by the corporation; and the ſaid commiſſioners may enter into and upon any land, where they ſhall deem it proper to conſtruct the ſaid road, and to lay out and ſurvey ſuch tracts or routes as ſhall be deemed moſt practicable for making a good and ſufficient road between the
14 places aforeſaid; and the ſaid preſident and directors may contract and agree with the owners of the ſaid land, for the purchaſe of ſo much thereof as ſhall be neceſſary for the purpoſe of making the ſaid road, and for erecting and eſtabliſhing gates, toll-houſes,
15 and other works to the ſaid road belonging; and in caſe of diſagreement between the ſaid parties with reſpect to the value of the land ſo as aforeſaid to be laid out, and the damages, if any, to be done to the ſaid land, or if the owner or owners ſhall be ſeme covert, infane, under age or out of the country, then and in ſuch caſe, it ſhall and may be lawful for the ſaid preſident and directors to apply to one of the judges or aſſiſtant juſtices of the court of common pleas, in and for the county where ſuch land ſhall be ſituated, not intereſted in ſaid road, who is hereby authoriſed and required to nominate, and by an inſtrument in writing ſigned by him, to appoint three commiſſioners, being freeholders of the ſaid county, and who ſhall not be inhabitants of any of the towns through which the ſaid road ſhall paſs, nor intereſted in the ſaid road or the lands to be appraiſed as herein after directed; at the time and place of making which application at leaſt four days previous notice in writing ſhall be given by the ſaid preſident and directors to the owner or owners of the ſaid land; and it ſhall be the duty of the ſaid preſident and directors to give notice to the ſaid commiſſioners of their appointment, who or any two of them, ſhall thereupon name a day for meeting on the land, and performing the duties required of them by this act, which day ſhall not be more than ten nor leſs than four days from ſuch notice of their appointment; and the ſaid preſident and directors ſhall give at leaſt four days notice in writing to the owner or owners of ſuch land, of the time when, and the place where the ſaid commiſſioners will meet for the purpoſe of viewing the land, and aſſeſſing the damages, except in caſe the owner or owners ſhall labour under any of the diſabilities aforeſaid, or be abſent; in either of which caſes, a copy of ſuch notice may be left at the dwelling houſe, if any, of the party, or other notorious place on the land through which the ſaid road ſhall paſs; *And further*, Each of the ſaid commiſſioners ſhall before he proceed to exerciſe the truſt repoſed in him by this act, take and ſubſcribe an oath in writing before one of the juſtices of the peace

in and for the county where he shall be so appointed, that he will without favour or partiality estimate and assess the damages which may be sustained by the owner or owners of the land or improvements, which the said corporation may deem necessary to take and appropriate for said road; and the said commissioners shall then proceed to view the premises; and having ascertained and determined the damages, shall make an inquisition under their hands and seals, or under the hands and seals of any two of them, describing the lands and stating the amount of the damages, if any, which each or any of the owner or owners of any parcel of land used or to be used for such road, have sustained or will sustain; which inquisition shall be acknowledged by the commissioners signing the same, before one of the judges aforesaid, and then filed, together with the affidavit aforesaid, in the office of the clerk of the county in which such lands shall be situated, within thirty days after such view shall be had and made by the said commissioners, and the said clerk shall at the expence and costs of the said president, directors and company, enter the same of record in the book kept by him for recording of deeds; and the president and directors aforesaid paying to the said several owners of the said land, the several sums so assessed and awarded by the said inquisition, shall and may have and hold to them, their successors and assigns for ever, the lands and tenements described therein; *Provided*, That nothing in this act contained, shall be 16
construed to authorise the said president and directors, to enter upon such land and thereon make the said road, until they shall have paid or tendered the value of such land, together with such damages as may be agreed upon or appraised according to the provisions of this act: *And provided also*, That nothing in this act shall be construed to authorise the said president and directors to make said road through any garden, without the consent of the owner, if such garden shall have been cultivated as such at least ten years before such road shall be laid out; and the said president and directors shall pay to the judge or assistant justice who appointed the commissioners as aforesaid, one dollar and fifty cents for his services, and to each of the said commissioners for every day necessarily attending to perform the duties required of them by this act, two dollars and fifty cents.

VI. *And be it further enacted*, That it shall not be lawful for 17
the said president, directors and company, to enter into the lands of any citizen, for the purpose of procuring materials to make said road, without having first agreed with the owner thereof for the purchase of the same.

VII. *And be it further enacted*, That the president, directors and 18
company shall cause the said road to be laid out four rods wide, which shall be thirty-three feet between the ditches, and the said ditches to be smooth and of sufficient width for a good sleigh road, whenever the same is practicable, twenty-eight feet of which shall be bedded with stone or other hard substance well compacted together; and the said road shall be covered with gravel or other hard substance, so as to make the same smooth.

19 VIII. *And be it further enacted*, That as ſoon as the preſi-
dent, directors and company ſhall have completed the ſaid road,
or ten miles thereof, it ſhall be lawful for the ſaid preſident and
directors to give notice to the perſon adminiſtering the govern-
ment of this ſtate, who ſhall thereupon forthwith nominate and
appoint three commiſſioners to view the ſame, and report to him
in writing, whether ſuch part of ſaid road is completed in a
workmanlike manner, according to the true intent and meaning
of this act; and if the report ſhall be in the affirmative, then it
ſhall be the duty of the perſon adminiſtering the government of
this ſtate, by licence under his hand and the privy ſeal of this
ſtate, to permit the ſaid preſident and directors to erect and fix ſo
many gates and turnpikes, upon and acroſs ſaid road, as will be
neceſſary and ſufficient to collect the duties and tolls, herein af-
ter granted to the ſaid corporation, from all perſons travelling
on, or uſing the ſame: *Provided*, That the firſt gate or turnpike
on the weſt ſide of the Hudſon-river ſhall not be leſs than five
miles from the ſame.

20 IX. *And be it further enacted*, That as ſoon as the ſaid preſi-
dent, directors and company ſhall have completed the bridge
over the Eſopus-creek, where the ſaid road ſhall paſs the ſame,
it ſhall and may be lawful for the ſaid preſident, directors and
company to erect a gate and turnpike upon and acroſs ſaid bridge,
and to aſk, demand and receive, of and from all and every perſon
and perſons, who ſhall paſs over and uſe the ſame, one third of
the tolls and duties as herein after granted to ſaid corpora-
tion, for every ten miles of ſaid road: *Provided always*, That in
caſe the inhabitants of the town of Kingſton, in the county of
Ulſter, ſhall within two years after the paſſing of this act, put the
bridge which is acroſs the above mentioned creek, near ſaid
town, at their own expence, (excepting two hundred and fifty
dollars, which ſhall be contributed by the preſident, directors and
company aforeſaid for that purpoſe) in ſuch repair, and widen
the ſame in ſuch a manner, as ſhall be adjudged ſufficient by the
commiſſioners appointed to examine the ſaid road, whoſe duty it
ſhall be to examine the ſaid bridge, then, and in ſuch caſe, the
ſame ſhall remain a free bridge, and ſhall thereafter be kept in
repair by the preſident, directors and company aforeſaid.

21 X. *And be it further enacted*, That as ſoon as the whole or any
part of the ſaid road ſhall be completed, and permiſſion ſo as
aforeſaid granted to erect a gate or gates upon and acroſs the
ſame, it ſhall and may be lawful for the ſaid preſident and direc-
tors to appoint toll-gatherers to collect and receive of and from
all and every perſon or perſons uſing the ſaid road, at either of
the ſaid gates, the tolls and duties herein after mentioned, and
22 no more, that is to ſay: Any number of miles not leſs than ten
in length of the ſaid road, the following ſums of money, and ſo
in proportion for any greater or leſs diſtance, or for any greater or
leſs number of ſheep, hogs, cattle, horſes or mules, as follows:
For every ſcore of ſheep or hogs, eight cents; for every ſcore
of cattle, horſes or mules, twenty cents; for every horſe and ri-

der, led or driven horſe, five cents; for every ſulkey, chair or chaiſe with one horſe, twelve and an half cents; for every cart drawn by one horſe, ſix cents; for every chariot, coach, coachee or phaeton, twenty-five cents; for every ſtage waggon or other four-wheeled carriage drawn by two horſes, mules or oxen, twelve and an half cents, and three cents for every additional horſe, mule or ox; for every cart drawn by two oxen, twelve and an half cents, for every additional horſe or ox, three cents; for every ſleigh or ſled, ſix cents, if drawn by two horſes or oxen, and in like proportion if drawn by greater or leſs number of horſes or oxen: And it ſhall be lawful for any of the toll-gatherers to ſtop and 23
detain any perſon riding, leading or driving any horſe, cattle, ſheep or hogs, ſulkey, phaeton, chair, chaiſe, cart, waggon, ſleigh or other carriage of burden or pleaſure, from paſſing through the turnpikes or gates, until they ſhall reſpectively have paid the toll as above ſpecified: *Provided*, That nothing in this act ſhall 24
be conſtrued to entitle the ſaid corporation to demand toll of or from any perſon paſſing to or from public worſhip, going to or from a funeral, going to or from a griſt mill for the grinding of his grain for his family's uſe, or to or from his common buſineſs on his farm or ſaw-mill, to or from his blackſmith or weaver, or any tradeſman whatſoever, or of or from any inhabitant of the town of Kingſton, in the county of Ulſter, going to or returning from the commons of ſaid town for the purpoſe of drawing wood or ſtone for his own uſe.

XI. *And be it further enacted*, That the ſaid corporation ſhall 25
cauſe mile-ſtones to be erected, one for each mile of the ſaid road, and on each ſtone ſhall be fairly and legibly inſcribed or marked the diſtance the ſaid ſtone is from the ſaid ferry of Moſes Cantine, and ſhall alſo erect guide-poſts at the interſection of all public roads leading into or from the ſaid turnpike, on which ſhall be inſcribed the name of the town in which ſuch poſt ſtands, and alſo the name of the town or towns to which ſuch interſecting road leads, in the direction to which the hand on the ſame points: And the ſaid corporation ſhall cauſe to be affixed at or over each 26
gate or turnpike a printed liſt of the rates of toll which may be lawfully demanded.

XII. *And be it further enacted*, That if any perſon ſhall break 27
or throw down, deface or injure any of the mile-ſtones or guide-poſts ſo to be erected for the information of travellers, or ſhall dig up and attempt to ſpoil any part of ſaid road, or ſhall cut, break down or deſtroy any, or any part, of the gates or turnpikes, or other works belonging to the ſaid road, which ſhall be made or erected in purſuance of this act, or ſhall forcibly paſs any or either of the ſaid gates or turnpikes without having paid the legal toll at each gate or turnpike, ſuch perſon ſhall, for every ſuch offence or injury, forfeit the ſum of twenty-five dollars, to be recovered by the treaſurer of the ſaid corporation, to their uſe, in an action of debt, with coſts of ſuit, in any court having cognizance of the ſame; and if any perſon ſhall with his team, carriage or horſe, turn out of the ſaid road, to paſs any of the gates

on ground adjacent thereto, and again enter on said road, having passed the said gate to avoid the payment of the toll due by this act, such person shall forfeit the sum of five dollars, to be recovered in like manner by the treasurer of the corporation, to their use, with costs of suit.

28 XIII. *And be it further enacted*, That if any toll-gatherer shall unreasonably delay or hinder any traveller or passenger at any of the gates, or shall demand and receive more toll than is by this act established, he shall for every such offence forfeit and pay twenty-five dollars, to be recovered by and for the use of the person so unreasonably hindered or detained.

29 XIV. *And be it further enacted*, That the shares in the said turnpike road shall be deemed and considered to be personal estate, and be transferable in such manner as the said president and directors may direct.

30 XV. *And be it further enacted*, That it shall and may be lawful for the said president and directors, at any time after the completion of the said road, to lessen the rate of toll or duties, or to take away one or more of the gates and turnpikes; *Provided*, Two-thirds of the stockholders shall agree thereto.

31 XVI. *And be it further enacted*, That the president and directors of the said corporation, shall keep a just and fair account of all the monies received or to be received by the several collectors
32 of toll on said road, and shall make and declare a dividend of the clear profits and income (all contingent costs and charges being first deducted) among the stockholders of the said corporation, on the first Tuesday of January and July in every year, shall publish the half yearly dividend of the clear profits, to be made among the stockholders, and the time and place when and where the same will be paid, and shall cause the same to be paid accordingly.

33 XVII. *And be it further enacted*, That the said president and directors shall within six months after the said road shall be completed, lodge in the comptroller's office of this state, an account of the expences thereof, and of the said bridge, together with the costs of the said ferry; and the corporation shall annually exhibit to the comptroller a true account of the dividend arising from said toll, with the annual disbursements.

34 XVIII. *And be it further enacted*, That it shall and may be lawful for said president and directors to call and demand from the stockholders respectively, all such sums of money by them subscribed or to be subscribed, at such times and in such proportions as they shall see fit, under pain of forfeiture of their shares, and all the previous payments thereon, to the said president, directors and company.

35 XIX. *And be it further enacted*, That after the amount of the said number of five thousand shares, mentioned in and by the fourth section of this act, shall have been appropriated by the said president, directors and company, for the purpose of making a good and sufficient road between the places aforesaid, and the sum so appropriated shall be found insufficient to effect the purposes aforesaid, it shall and may be lawful for the said president

and directors, in order to complete the ſaid road, bridge and turnpike, to increaſe or raiſe the funds of the ſaid corporation by adding a ſum not exceeding five dollars, to each and every ſhare in the whole ſtock; which ſum, ſo to be added, ſhall be in an equal ratio upon each and every ſhare, to be collected and paid in manner aforeſaid; ſubject on default of payment, to the pains and forfeitures aforeſaid.

XX. *And be it further enacted*, That the legiſlature may diſ- 36
ſolve the ſaid corporation, when the income ariſing from the ſaid toll ſhall have fully paid and compenſated the ſaid corporation for all monies they may have expended in purchaſing, making, repairing and taking care of the ſaid road and bridge, and the coſt and expences of the ferry aforeſaid, together with an inter- 37
eſt thereon of fourteen per centum per annum, and thereupon, the right, intereſt and property of ſaid road and bridge, ſhall be veſted in the people of this ſtate, and be and remain at their diſpoſal: *Provided*, That if the ſaid corporation ſhall not commence their operations within two years after the paſſing of this act, and ſhall not within eight years afterwards complete the ſame, according to the true intent and meaning of this act, then and in either caſe this act ſhall ceaſe and be void.

XXI. *And be it further enacted*, That the ſaid commiſſioners to 38
be appointed to lay out ſaid road, ſhall when they lay out the ſame, eſtimate and certify under their hands, how much of the money granted in and by virtue of the act, entitled "An act for improving the road from Wattles's ferry on the Suſquehannah, to the town of Kingſton, in the county of Ulſter," paſſed 24th March, 1801; and alſo of the money ſubſcribed by the inhabitants in and about the town of Kingſton, has been advantageouſly expended for the benefit of ſaid turnpike road, ſo to be laid out as aforeſaid, and ſhall make and deliver one copy of ſuch certificate to each of the boards of commiſſioners herein after named.

XXII. *And be it further enacted*, That the ſaid preſident, di- 39
rectors and company ſhall pay in lieu of the monies ſo as aforeſaid to be certified to have been expended in the manner aforeſaid, one hundred dollars to Levi Baxter, Ichabod Brownſon and Eraſtus Root, who are hereby appointed commiſſioners to lay out and expend ſaid ſum of money in cutting out and improving a road from the court houſe in the county of Delaware, to the town of Franklin in ſaid county.

XXIII. *And be it further enacted*, That the ſaid preſident, di- 40
rectors and company ſhall pay the reſidue of ſaid ſum of money ſo to be certified to Moſes Cantine, jun. Benjamin I. Hornbeck and John Tremper, who are hereby appointed commiſſioners to lay out and expend ſaid reſidue of ſaid ſum of money, ſo to be certified, in laying out, altering and improving the road from the houſe of Johannis Hornbeck, in the town of Rocheſter, in the county of Ulſter, through Lahawack, to the Neverſink-creek, and from thence at or near Weſtfield, to the Delaware-river.

41 XXIV. *And be it further enacted*, That the two laſt mentioned boards of commiſſioners ſhall reſpectively, when and as often as thereunto required, account with the board of ſuperviſors within the reſpective counties, for the expenditure of the monies hereby entruſted to their care.

XXV. *And be it further enacted*, That this act ſhall be, and the ſame is hereby declared to be a public act.

NORTHERN—FIRST COMPANY.

CHAP. CII.

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3. Bridge over Hoſick-river, when finiſhed, gate may be erected.
6. Lands, damages for, to be paid—Value how determined.
8. Materials not to be taken without conſent of owner.
1. Road, additional, Directors authoriſed to make.
2. ——— When finiſhed, may receive toll therefor.
5. ——— Commiſſioners to lay out, and file a Map thereof.
7. ——— Breadth, conſtruction thereof, and ditches.
9. ——— Commiſſioners from time to time to examine, &c.
4. Stock, may be encreaſed to 2000 ſhares.

An ACT *ſupplementary to the Act, entitled "An Act to eſtabliſh a Turnpike Corporation for improving the Road from the Village of Lanſingburgh, through Cambridge and Salem, to the Houſe now occupied by Hezekiah Leaving, in the Town of Granville, and alſo from the Houſe of John Faulkner, junior, in Salem, to the Line of Rupert, in the State of Vermont, near the Houſe of William Brown," Paſſed firſt April*, 1799.

Paſſed April 3d, 1802.

1 I. BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That the company known by the name of the "Preſident, Directors and Firſt Company, of the Northern Turnpike Road," ſhall and hereby is authoriſed to make a good and ſufficient road, beginning at Snyder's creek, where the ſaid northern turnpike ſhall interſect the ſaid creek, and from thence by Jonathan Yates's tavern, in Pittſtown, on a direction as parallel with the Sinkoicke road as the ſhape of the land and the conveniency of the inhabitants will admit, to the Hoſick-river, at or near the place where Fonda's bridge was erected, keeping to the northward of Abraham Lake's houſe, on as direct a courſe by Jacob Merrit's ſtore to the Vermont line, as the ſaid preſident, directors and firſt company of the northern turnpike road may deem neceſſary.

2 II. *And be it further enacted*, That the ſaid preſident, directors and company, of the firſt northern turnpike road, ſhall, for the additional road hereby authoriſed, have and receive the ſame rates of toll, as is allowed them in and by the act whereby they were incorporated, and be entitled to the privileges and authorities,

and be subject to the same limitation in the said act contained, as far as is consistent with the regulations, restrictions and provisions herein after prescribed.

III. *And be it further enacted*, That as soon as the said president, directors and company, shall erect a bridge across Hosick-river, at or near the place where Fonda's bridge formerly stood, then and in such case it shall be lawful for the said company to erect a gate thereon, and demand and receive the same toll, as they are authorised to demand and receive from persons passing through the gates on the said turnpike road for ten miles of the same. 3

IV. *And whereas*, The said president and directors have by their petition represented to the legislature, that the present stock of the said company, is insufficient to complete the turnpike as the law directs, without an additional stock, and have prayed the aid of the legislature in the premises: Therefore, *Be it further enacted*, That it shall be lawful for the president, directors and company of the first northern turnpike, to receive subscriptions to the stock of said company, until the whole number of shares shall amount to two thousand, in order that they may be enabled to complete the road, directed to be improved by this act, which shares shall together form the capital stock of the said company. 4

V. *And be it further enacted*, That it shall be the duty of the governor and council of appointment, to appoint three commissioners, not interested in the said road, whose duty it shall be to lay out such road according to the best of their judgment and understanding, in such manner as that the object of the corporation, and the general interest of the public shall be in the best manner effected, without favour or partiality, but to conform to the directions of this act where it may be practicable; and that it shall be the duty of the commissioners, so to be appointed, to deposit in the office of the clerk of the county, through which said road shall pass, an accurate map of the survey of the same, designating the several particular points through which the said road shall pass; and that the commissioners for such services, shall be allowed at the rate of two dollars per day, which, together with the expences of surveying the road and recording the survey, shall be paid by the corporation. 5

VI. *And be it further enacted*, That if the aforesaid road shall be laid through any inclosed or improved or timber lands, the owner or owners thereof shall be paid such damages, as such owner or owners may sustain by reason thereof; which damages shall be determined and assessed, by two justices of the peace and six reputable freeholders on oath, not having an interest in the land so laid out into a road as aforesaid; and the said freeholders shall be summoned by the sheriff of the county, in which such road shall be laid out, by virtue of a warrant to be issued by the said two justices of the peace for that purpose; and the whole of the said damages, together with the charges of summoning the jury, shall be paid by the said corporation. 6

7 VII. *And be it further enacted*, That the road to be laid out by virtue of this act, ſhall be made thirty-three feet wide between the ditches; and that there be ditches on each ſide of the turnpike, of ſufficient width and ſufficiently ſmooth for a good ſleigh road whereever it is practicable; and the ſaid road hereby directed to be laid out ſhall be bedded with ſtone or other hard ſubſtance, not leſs than twenty-eight feet wide, ſo as to ſecure a ſolid foundation, and covered over at leaſt ſix inches with gravel, ſo as to make the ſame firm and ſmooth.

8 VIII. *And be it further enacted*, That it ſhall not be lawful for the preſident and directors to enter into the lands of any citizen contiguous to the road deſcribed in this act, and take timber or other materials therefrom, without having firſt agreed with the owner thereof for the ſame.

9 IX. *And be it further enacted*, That it ſhall be the duty of the governor and council of appointment, to appoint three judicious diſintereſted perſons, in the reſpective counties through which ſuch turnpike road ſhall paſs, with full power and authority, to examine the aforeſaid turnpike road, and if on examination they find ſuch turnpike road not conſtructed agreeable to law, or that the ſame is out of good repair, in either caſe they ſhall order the gate or gates opened, which ſhall be kept open till the ſame ſhall be ſo conſtructed or put in good repair; and the ſaid commiſſioners ſhall receive, as a compenſation for their ſervices, each two dollars per day; *Provided*, That not more than two days ſervice ſhall be allowed in any one month to any one of the ſaid commiſſioners, which ſhall be paid by the corporation.

GREAT WESTERN—FIRST COMPANY.

CHAP. CVIII.

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An ACT *for extending the Limits and amending the Act of Incorporation of the First Company of the Great Western Turnpike Road.*

Passed April 5th, 1802.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall be lawful to and for the president, directors and first company of the great western turnpike road to continue the turnpike road by them constructed, from the house of Calvin Cheesman to Snipe-street, in the city of Albany, with like effect as if the continuation of the said turnpike road had been in and by the act, entitled "An act to establish a turnpike corporation for improving the state road from the house of John Weaver, in Watervliet, to Cherry-Valley, and to repeal the act therein mentioned," hereby intended to be amended, extended easterly to the said Snipe-street; *Provided always*, That no toll-gates shall be erected by the said company within three miles measured on the said turnpike road, from Snipe-street aforesaid; *Provided also*, That all carriages loaded only with hay, firewood, turf or fossil-coal, shall, while so loaded with an ordinary load, be exempted from toll in passing the toll-gate to be established on the turnpike road aforesaid, within the limits of the said city; and that all carriages belonging to persons residing in the city of Albany, going for such articles as aforesaid, shall be in like manner exempted from the payment of toll; which carriages, to entitle the owners thereof to such exemption, shall be marked with some distinguishing brand, by such officer as the mayor, aldermen and commonalty of the city of Albany shall for that purpose appoint; *And provided further*, That if the mayor, aldermen and commonalty of the said city of Albany, shall deem it necessary to pitch, level and pave any part of the turnpike track aforesaid, within the said city, so as the same be kept in good and perfect repair without expence to the company, and they shall resume the same for that purpose, such part of the said turnpike road, as they shall so pitch, level and pave, shall be exempted from toll; *And provided further*, That the construction of the said turnpike road shall not be permitted to alter the level of any street in the said city of Albany, to be permanently established by the said mayor, aldermen and commonalty.

II. *And be it further enacted*, That in case of the absence of the president from any meeting of the directors, the directors present at such meeting, may by a plurality of votes, choose one of their number president, during such meeting; that henceforth the annual day of election, for choosing directors for the said company, shall be on the last Tuesday of September, in every year, instead of the anniversary day for that purpose, designated in the said hereby amended act; that it shall and may be lawful to and for the said president and directors, from time to time and during such periods as they shall deem proper, to abate the toll which they are authorised to exact, in and by the act hereby amended, either wholly or in part; and to construct any diverging road or roads, communicating with the said turnpike road, deducting the expences of the

construction of such diverging roads, from the production of such turnpike road, with and as part of the contingent costs and charges incurred during the half year in which such expences shall
9 have been incurred; *Provided*, That no toll shall be exacted for any such diverging road.

10 III. *And be it further enacted*, That instead of the apportionment of votes prescribed in and by the hereby amended act, the votes of the stockholders at every election, shall be given in the following proportions, to wit: One vote for every share not exceeding ten, and one vote for every two shares above ten shares, held by each stockholder, so as that no stockholder shall be entitled to more than twenty-five votes.

11 IV. *And be it further enacted*, That in case of disagreement between the said president, directors and company, and the owner or owners of any lands already laid out, or which shall be hereafter laid out as part of the said turnpike road, or from which materials shall have been taken, or may hereafter be taken by the said president, directors and company, for the construction of such turnpike road, as to the value of such lands, or the injury sustained by the owners thereof, or of the value of such materials, by means of appropriating the same for the purpose aforesaid, the compensation for such land or injury shall be determined by an appraisement to be made on oath by three freeholders, not interested in the same, to be mutually agreed upon between the parties; or if the owner or owners of such lands or materials, shall refuse or neglect to join in such choice, or if any such owner be an infant, feme covert or insane, and the guardian, husband or committee of such infant, feme covert or insane person, shall neglect or refuse to join in making such choice, or if any owner of such lands or materials, cannot upon diligent enquiry, be found in, or resides without the state, then and in every such case, it shall and may be lawful to and for any justice of the peace of the county in which such lands lie, or on which such materials shall be taken, upon the application of the said president, directors and company, or their agent, to appoint such three freeholders, who or any two of them shall make such appraisement; and upon the completion of the same, and upon the said president, directors and company paying the amount thereof to such owner or owners, or other person legally entitled to receive the same, whenever he, she or they demand the amount thereof from the treasurer of the said president and directors, and upon paying the expence accrued by means of such appraisement, to the justice who shall have appointed such appraisers; the said president, directors and company, shall hold the said lands or materials so appraised for ever, for the purpose of maintaining the said road, discharged of the right and title of such owner or owners; and that in every case in which such lands laid out for the said turnpike road, or from which any materials shall have been so taken for the construction thereof, shall be held for years or for life, and the landlord or landlords, or person or persons, entitled to the reversion or remainder, cannot upon diligent enquiry be found, the tenants in possession shall so far forth, as respects any

appraiſement to be made in purſuance of this act, be deemed the owners; and that in every other caſe the landlord and tenant, or the tenant for life or years, and the perſon entitled to the reverſion or remainder of any lands ſo appropriated or injured, ſhall be collectively deemed the owners, within the intent of this act, and 12
only one appraiſement ſhall be made, as to the compenſation to be made by the ſaid preſident, directors and company, for ſuch appropriation or injury to ſuch perſon or perſons holding for life or years, and his, her or their landlord or landlords, or perſon or perſons entitled to the reverſion or remainder of ſuch lands, without diſtinguiſhing the proportion of each.

V. *And be it further enacted*, That if any difference ſhall ariſe 13
between ſuch tenant or tenants for life or years, and his, her or their landlord or landlords, or the perſon or perſons entitled to the reverſion or remainder of ſuch lands relative to their reſpective proportions of ſuch compenſation, ſuch proportions ſhall be ſettled by the ſame appraiſers in like manner, at the inſtance of either of the parties, but at their joint expence, in proportion to the ſhare of ſuch compenſation, which each of them ſhall in the opinion of ſuch appraiſers be entitled to.

VI. *And be it further enacted*, That it ſhall be lawful to and for 14
the ſaid preſident, directors and company, to purchaſe, hold and convey lands of a value at the time of the purchaſe thereof not exceeding five thouſand dollars, over and above the real eſtate in the act hereby intended to be amended, deſcribed.

VII. *And be it further enacted*, That the ſaid turnpike road, 15
ſhall be at leaſt of the breadth of four rods, and ſhall not exceed ſix rods in breadth in the whole extent thereof, to be conſtructed in purſuance of this act; that ſuch continuation of the ſaid turnpike road ſhall be made by bedding at leaſt the breadth of two rods thereof with ſtone or other hard ſubſtance, ſo as to ſecure a ſolid foundation, and the ſame ſhall be covered with gravel or other hard ſubſtance, ſo as to make the face thereof firm and ſmooth, and the ditches on the ſides of the ſaid road, ſhall (where it may be practicable) be of a proper breadth and ſufficiently level to form a good road for ſleighs.

VIII. *And be it further enacted*, That the direction of the ſaid 16
turnpike road, ſhall be determined and marked by three diſintereſted commiſſioners, to be appointed by the perſon adminiſtering the government, and it ſhall be the duty of the ſaid commiſſioners, to lay out the direction of the ſaid road, without favour or partiality, according to the beſt of their judgment, ſo as to anſwer the object of the ſaid corporation, and ſecure the public intereſt; and the ſaid commiſſioners ſhall cauſe an actual map of the ſurvey, deſignating particularly the track thereof, to be made and filed in the clerk's office of the city and county of Albany, at the expence of the ſaid preſident, directors and company, and that the ſaid commiſſioners, ſhall reſpectively be allowed at the rate of two dollars per day, for their ſervices, to be likewiſe paid by the ſaid preſident, directors and company.

17 IX. *And be it further enacted*, That the said president, directors and company, shall in no case cut, take or carry away any timber or wood, stone fence, or stone collected for building, from any land without the consent of the owner thereof.

18 X. *And be it further enacted*, That one disinterested freeholder shall be appointed by the person administering the government, whose duty it shall be, whenever any complaint shall be made to him, that such turnpike road hereby intended to be extended, is out of repair, to examine the same, and if he shall upon such examination deem that the said turnpike road requires repairs, to order the toll gates on such part of the said turnpike road, in and by this act extended, to be kept open until those parts of the road which such freeholder shall designate as requiring repair, shall be well and sufficiently repaired; for which examination such freeholder shall receive from the said president, directors and company, at the rate of two dollars for every day he shall be employed therein, but not to exceed two days in any one month.

DUTCHESS.

CHAP. CXI.

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16. ——— If insufficient, may be encreased.
25. Toll, Rates of.—29. Lists of, to be posted up at each Gate.
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30. Travellers in carriages, when meeting, to keep the right hand.
4. Votes apportioned.—6. May be given by proxy.

An ACT *to establish the Dutchess Turnpike Company.*

Paſſed April 5th, 1802.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That William Thorn, Robert Abbatt, Rufus Park, Daniel S. Dean, George B. Everſen, Joſhua Ward, Thomas Newcomb, William Shipley, Gilbert Livingſton, William Emott, John Newcomb, Stephen Hendrickſon, Hulet Peters, Ebenezer Mott, Iſaac Smith, William Lathrop, Benjamin Herrick, Philip Hart, Ebenezer Haight, William Terry and Richard Davis, and all ſuch perſons as ſhall aſſociate for the purpoſe of making a good and ſufficient road from the court houſe, in the village of Poughkeepſie, in the county of Dutcheſs, to or near the houſe of Timothy Beadle, in the town of Clinton, in ſaid county, to paſs through Pleaſant-Valley ſettlement, in and as near the preſent rou teas conveniently may be, and to be continued on eaſterly by the moſt convenient and direct route to the boundary line between the ſtate of New-York and the ſtate of Connecticut; to terminate in the vicinity of the town of Sharon or Saliſbury, and alſo to branch out from the moſt convenient part of the above mentioned road to purſue generally, as near as may be judged moſt conducive to the public good, the preſent route by Plymouth-hill to the Dover road leading north and ſouth, at or near the houſe of Lawrence Belding, to paſs through the ſettlement known by the name of Mechanic; ſhall be and hereby are created and made a corporation and body politic, in fact and in name by the title and diſtinction of "The Dutcheſs Turnpike Company;" and by that name they and their ſucceſſors for ever ſhall and may have perpetual ſucceſſion, and ſhall be and hereby are made capable in law of ſuing and being ſued, pleading and being impleaded, anſwering and being anſwered unto, defending and being defended in all courts and places whatſoever; and alſo ſhall and may make, uſe and have a common ſeal, and the ſame at pleaſure alter; and alſo by that name ſhall be and hereby are made capable in law of purchaſing, holding and conveying any eſtate real and perſonal, that they may deem neceſſary to enable them to fulfil the end and intent of the corporation hereby created.

II. *Be it further enacted*, That the capital ſtock of the ſaid company ſhall conſiſt of two thouſand ſhares, and that the amount to be paid for each ſhare, ſhall be thirty dollars; and that each ſtockholder ſhall be entitled to a vote, for every ſhare he or ſhe ſhall hold to the number of ten ſhares, and one vote for every five ſhares held by any perſon beyond ten ſhares; and ſubſcriptions for ſhares in the ſaid company, ſhall be taken in the manner following, to wit: William Emott, Robert Abbatt, Zaccheus Newcomb, Timothy Beadle, Rufus Park, William Thorn, Iſaac Smith and Joſeph Belding, ſhall be and they are hereby appointed commiſſioners, for taking ſubſcriptions; and each of the ſaid commiſſioners ſhall on or before the firſt Tueſday in May next, provide himſelf with a book, and ſhall enter therein as follows: We whoſe

conſtruction of ſuch diverging roads, from the production of ſuch turnpike road, with and as part of the contingent coſts and charges incurred during the half year in which ſuch expences ſhall
9 have been incurred; *Provided*, That no toll ſhall be exacted for any ſuch diverging road.

10 III. *And be it further enacted*, That inſtead of the apportionment of votes preſcribed in and by the hereby amended act, the votes of the ſtockholders at every election, ſhall be given in the following proportions, to wit: One vote for every ſhare not exceeding ten, and one vote for every two ſhares above ten ſhares, held by each ſtockholder, ſo as that no ſtockholder ſhall be entitled to more than twenty-five votes.

11 IV. *And be it further enacted*, That in caſe of diſagreement between the ſaid preſident, directors and company, and the owner or owners of any lands already laid out, or which ſhall be hereafter laid out as part of the ſaid turnpike road, or from which materials ſhall have been taken, or may hereafter be taken by the ſaid preſident, directors and company, for the conſtruction of ſuch turnpike road, as to the value of ſuch lands, or the injury ſuſtained by the owners thereof, or of the value of ſuch materials, by means of appropriating the ſame for the purpoſe aforeſaid, the compenſation for ſuch land or injury ſhall be determined by an appraiſement to be made on oath by three freeholders, not intereſted in the ſame, to be mutually agreed upon between the parties; or if the owner or owners of ſuch lands or materials, ſhall refuſe or neglect to join in ſuch choice, or if any ſuch owner be an infant, feme covert or inſane, and the guardian, huſband or committee of ſuch infant, feme covert or inſane perſon, ſhall neglect or refuſe to join in making ſuch choice, or if any owner of ſuch lands or materials, cannot upon diligent enquiry, be found in, or reſides without the ſtate, then and in every ſuch caſe, it ſhall and may be lawful to and for any juſtice of the peace of the county in which ſuch lands lie, or on which ſuch materials ſhall be taken, upon the application of the ſaid preſident, directors and company, or their agent, to appoint ſuch three freeholders, who or any two of them ſhall make ſuch appraiſement; and upon the completion of the ſame, and upon the ſaid preſident, directors and company paying the amount thereof to ſuch owner or owners, or other perſon legally entitled to receive the ſame, whenever he, ſhe or they demand the amount thereof from the treaſurer of the ſaid preſident and directors, and upon paying the expence accrued by means of ſuch appraiſement, to the juſtice who ſhall have appointed ſuch appraiſers; the ſaid preſident, directors and company, ſhall hold the ſaid lands or materials ſo appraiſed for ever, for the purpoſe of maintaining the ſaid road, diſcharged of the right and title of ſuch owner or owners; and that in every caſe in which ſuch lands laid out for the ſaid turnpike road, or from which any materials ſhall have been ſo taken for the conſtruction thereof, ſhall be held for years or for life, and the landlord or landlords, or perſon or perſons, entitled to the reverſion or remainder, cannot upon diligent enquiry be found, the tenants in poſſeſſion ſhall ſo far forth, as reſpects any

shall not attend, then and in such case it shall and may be lawful for the directors of such corporation to appoint a president for the time being.

IV. *And be it further enacted*, That immediately after the said 13
president and directors are so chosen as aforesaid, the said commissioners shall respectively give up their subscription books before mentioned, to the said president and directors, as also pay to them the advance or deposit money of five dollars on each share subscribed for on their respective books; and in case the said full 14
number of two thousand shares shall not be subscribed before the election of the said directors, that then the said president and directors may continue to receive subscriptions on said books, or some of them, to the stock of the said corporation, until there shall be the said number of two thousand shares subscribed.

V. *And be it further enacted*, That it shall and may be lawful 15
for said president and directors to call and demand from the stockholders or subscribers respectively, all such sums of money by them subscribed or to be subscribed, at such times and in such proportions as they shall see fit, by public notice in all the newspapers printed in the county of Dutchess, at least three weeks before the time when the proportion of each stockholder is so demanded and directed to be paid to the treasurer of said corporation; and if any stockholder shall for the space of ten days after the time expires, which shall be fixed by the said president and directors for the payment of the said rateable proportion so called for by them from the said stockholders respectively, that then such stockholder or stockholders who shall thus make default in not paying his or their rateable proportion, so demanded as aforesaid, shall lose and forfeit his or their share as a stockholder or as stockholders, and all previous payments thereon to the said commissioners, president, directors and company, to and for the use of the stockholders of said Dutchess turnpike company; and in case there shall any share or shares of said stock be forfeited in the manner above mentioned, that then the said president and directors shall and may at any time thereafter take other subscription or subscriptions to said stock on the same terms that the original subscriptions were taken, paying the same sum in advance for deposit money which shall at that time have been paid by the original subscriber or subscribers, on his or their respective share or shares.

VI. *And be it further enacted*, That after the amount of the said 16
number of two thousand shares, mentioned in and by the second section of this act, shall have been appropriated by the said president, directors and company, for the purpose of making a good and sufficient road, between the places aforesaid; and the sum so appropriated shall be found insufficient to effect the same, it shall and may be lawful for the said president and directors, in order to complete the said road and turnpikes, to encrease or raise the funds of the said corporation, by adding a sum not exceeding fifteen dollars, to each and every share in the whole stock; which sum, so to be added, shall be an equal ratio upon each and every

17 IX. *And be it further enacted*, That the said president, directors and company, shall in no case cut, take or carry away any timber or wood, stone fence, or stone collected for building, from any land without the consent of the owner thereof.

18 X. *And be it further enacted*, That one disinterested freeholder shall be appointed by the person administering the government, whose duty it shall be, whenever any complaint shall be made to him, that such turnpike road hereby intended to be extended, is out of repair, to examine the same, and if he shall upon such examination deem that the said turnpike road requires repairs, to order the toll gates on such part of the said turnpike road, in and by this act extended, to be kept open until those parts of the road which such freeholder shall designate as requiring repair, shall be well and sufficiently repaired; for which examination such freeholder shall receive from the said president, directors and company, at the rate of two dollars for every day he shall be employed therein, but not to exceed two days in any one month.

DUTCHESS.

CHAP. CXI.

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II. *Be it further enacted*, That the capital ſtock of the ſaid company ſhall conſiſt of two thouſand ſhares, and that the amount to be paid for each ſhare, ſhall be thirty dollars; and that each ſtockholder ſhall be entitled to a vote, for every ſhare he or ſhe ſhall hold to the number of ten ſhares, and one vote for every five ſhares held by any perſon beyond ten ſhares; and ſubſcriptions for ſhares in the ſaid company, ſhall be taken in the manner following, to wit: William Emott, Robert Abbatt, Zaccheus Newcomb, Timothy Beadle, Rufus Park, William Thorn, Iſaac Smith and Joſeph Belding, ſhall be and they are hereby appointed commiſſioners, for taking ſubſcriptions; and each of the ſaid commiſſioners ſhall on or before the firſt Tueſday in May next, provide himſelf with a book, and ſhall enter therein as follows: We whoſe

names are here under ſubſcribed, do for ourſelves and our legal repreſentatives, promiſe to pay to the preſident, directors and company of the Dutcheſs turnpike company, the ſum of thirty dollars for each ſhare of ſtock in the ſaid company ſet oppoſite our reſpective names, in ſuch manner and proportions, and at ſuch time and place as ſhall be determined by the preſident and directors of the ſaid company, until the whole amount of thirty dollars is paid on each ſhare; and the ſaid commiſſioners reſpectively ſhall open their books for taking ſubſcriptions for the purpoſe aforeſaid, on the ſaid firſt Tueſday in May next, and ſhall continue them open from day to day until the whole number of ſhares are ſubſcribed for; *Provided*, That no perſon or corporation by himſelf, itſelf or others, ſhall ſubſcribe for more than ten ſhares, till twenty days after ſaid books ſhall be opened for ſubſcriptions, and each ſubſcriber ſhall at the time of ſubſcribing pay unto the commiſſioner with whom he ſubſcribes five dollars for each ſhare ſo by him ſubſcribed; and as ſoon as ſix hundred ſhares are ſo ſubſcribed, and the ſaid ſum of five dollars paid on each ſhare, the ſaid commiſſioners ſhall cauſe an advertiſement to be inſerted in all the newſpapers printed in the county of Dutcheſs, thereby giving fourteen days notice of the time and place, when and
6 where the ſaid ſubſcribers ſhall meet, by themſelves or proxy, for
7 the purpoſe of chooſing thirteeen directors, being ſtockholders,
8 to manage the concerns of the company, for one year, and the day of ſuch election ſhall for ever thereafter be the anniverſary
9 day for electing directors; at which ſaid firſt election the aforeſaid commiſſioners, or any two of them, ſhall preſide, and ſhall on eſtimating the whole number of votes taken at ſuch election, declare under their hands in writing, the thirteen perſons having the greateſt number of votes for directors, for the year then next enſuing, and ſhall forthwith notify them of their election, and of the time and place when and where they are required to meet,
10 and the ſaid directors or a majority of them being met in purſuance of ſuch notice, ſhall by ballot elect one of their number
11 for preſident, and ſeven of the directors of the ſaid company ſhall be a quorum, and capable of tranſacting the buſineſs of the ſaid corporation, and every act of the majority of the directors ſo met, ſhall be binding on the ſaid company, and the preſident and directors may meet when and where they may think proper, and ſhall have full power to make ſuch bye laws, rules and regulations, not inconſiſtent with the laws of the United States or of this ſtate, as ſhall be neceſſary for the proper government of the ſaid corporation; and ſhall and may appoint and employ ſuch officers, agents, clerks, artiſts, workmen and others, as they ſhall think neceſſary for executing the work and buſineſs of the ſaid corporation, and allow and pay to them reſpectively, and to all and every perſon whoſe time and attention ſhall be neceſſarily employed in the concerns of the corporation, ſuch compenſation for their ſervices as they ſhall think proper.

12 III. *And be it further enacted*, That if at any meeting of the directors of the ſaid turnpike corporation, the preſident thereof

shall not attend, then and in such case it shall and may be lawful for the directors of such corporation to appoint a president for the time being.

IV. *And be it further enacted*, That immediately after the said 13
president and directors are so chosen as aforesaid, the said commissioners shall respectively give up their subscription books before mentioned, to the said president and directors, as also pay to them the advance or deposit money of five dollars on each share subscribed for on their respective books; and in case the said full 14
number of two thousand shares shall not be subscribed before the election of the said directors, that then the said president and directors may continue to receive subscriptions on said books, or some of them, to the stock of the said corporation, until there shall be the said number of two thousand shares subscribed.

V. *And be it further enacted*, That it shall and may be lawful 15
for said president and directors to call and demand from the stockholders or subscribers respectively, all such sums of money by them subscribed or to be subscribed, at such times and in such proportions as they shall see fit, by public notice in all the newspapers printed in the county of Dutchess, at least three weeks before the time when the proportion of each stockholder is so demanded and directed to be paid to the treasurer of said corporation; and if any stockholder shall for the space of ten days after the time expires, which shall be fixed by the said president and directors for the payment of the said rateable proportion so called for by them from the said stockholders respectively, that then such stockholder or stockholders who shall thus make default in not paying his or their rateable proportion, so demanded as aforesaid, shall lose and forfeit his or their share as a stockholder or as stockholders, and all previous payments thereon to the said commissioners, president, directors and company, to and for the use of the stockholders of said Dutchess turnpike company; and in case there shall any share or shares of said stock be forfeited in the manner above mentioned, that then the said president and directors shall and may at any time thereafter take other subscription or subscriptions to said stock on the same terms that the original subscriptions were taken, paying the same sum in advance for deposit money which shall at that time have been paid by the original subscriber or subscribers, on his or their respective share or shares.

VI. *And be it further enacted*, That after the amount of the said 16
number of two thousand shares, mentioned in and by the second section of this act, shall have been appropriated by the said president, directors and company, for the purpose of making a good and sufficient road, between the places aforesaid; and the sum so appropriated shall be found insufficient to effect the same, it shall and may be lawful for the said president and directors, in order to complete the said road and turnpikes, to encrease or raise the funds of the said corporation, by adding a sum not exceeding fifteen dollars, to each and every share in the whole stock; which sum, so to be added, shall be an equal ratio upon each and every

ſhare to be collected and paid in manner aforeſaid, ſubject on default of payment to the pains and forfeitures aforeſaid.

17 VII. *And be it further enacted*, That upon the application of the preſident of the ſaid directors, to the perſon adminiſtering the government of this ſtate, he ſhall and may appoint three diſintereſted and diſcreet freeholders of ſaid county, not reſiding in any town through which any part of the ſaid road ſhall run, who, or the majority of them, ſhall be commiſſioners for the laying out the ſaid road, purſuant to the true intent and meaning of this act; and before they enter upon the duties hereby enjoined on them, they ſhall reſpectively take an oath or affirmation, before any juſtice of the peace of ſaid county, faithfully and impartially to execute the truſt reſpectively repoſed in them, agreeable to this act; and the ſaid commiſſioners ſhall cauſe an accurate map of the ſurvey of ſuch road, deſignating particularly the track thereof, to be made and filed in the clerk's office of the county of Dutcheſs, and that the ſaid preſident and directors ſhall pay to each of the ſaid commiſſioners, the ſum of two dollars and fifty cents, for every day they ſhall be employed in executing the ſaid duties.

18 VIII. *And be it further enacted*, That it ſhall and may be lawful to and for the ſaid corporation, by the preſident and directors thereof, or by any ſurveyors, agents, artiſts, or other perſons employed by them, to enter in and upon any land, where they may deem it proper to conſtruct ſaid road, and to lay out, ſurvey and labour on ſuch routes or parts, as ſhall be moſt eligible for a good and ſufficient road, between the places and on the directions aforeſaid, and contract with the owner or owners for the purchaſe of ſo much thereof, as may be neceſſary for making ſaid road, and erecting and eſtabliſhing gates, toll-houſes, and all other works to the
19 ſaid road belonging; and in caſe of diſagreement between the ſaid parties, as to the value of the ſaid land or damages, all things conſidered, the ſame ſhall be determined by an appraiſement to be made by two juſtices of the peace, and by the oaths of ſix reputable and diſintereſted freeholders, who ſhall be ſummoned by the ſheriff of the county of Dutcheſs, by virtue of a warrant to be iſſued by the ſaid juſtices for that purpoſe; and in caſe of the infancy, coverture, infanity or abſence from this ſtate, of any of the owners, it ſhall be lawful for the ſaid preſident, directors and company, to take poſſeſſion of ſuch land, the value and damages whereof, ſhall be aſcertained and aſſeſſed in the manner above preſcribed, and paid to the perſons entitled thereto on demand, and on the payment of the value of the ſaid lands, ſo to be taken for the ſaid road, the right and title thereto ſhall veſt in the ſaid preſident, directors and company; and the ſaid preſident, directors and company, ſhall pay the coſts accrued in making ſuch appraiſement.

20 IX. *And be it further enacted*, That the ſaid preſident, directors and company, ſhall cauſe a road to be laid out to and from the places before mentioned, at leaſt four rods wide, except where valuable buildings interfere, twenty-eight feet at leaſt of which ſhall be bedded with ſtone, gravel or other hard ſubſtance, at leaſt one

foot thick, ſo as to ſecure a good and ſolid foundation to the ſame; and the ſaid road ſhall be faced with gravel, or ſtone pounded, or other ſmall hard ſubſtance, in ſuch manner as to ſecure a firm, and as near as the materials will admit, an even ſurface, riſing towards the middle by a gradual arch, and not ſo ſteep in any part, as that a waggon or other carriage, loaded with hay will be overturned by moving on any part thereof; and the water-ways on each ſide of the ſaid arched way to be conſtructed, as that in times of ſnow they will form a good path for ſleds, and not ſo deep as to endanger the overturning of ſleds going off ſaid arched way into ſaid water-ways; and that they ſhall during the continuance of this act, maintain and keep the ſame in good and perfect order.

X. *And be it further enacted*, That whenever the ſaid turnpike 21
road ſhall at any time be out of repair, ſo as that the travelling thereon ſhall be incommoded, and a complaint thereof be made to any judge of the court of common pleas in ſaid county of Dutcheſs, not being a ſtockholder in ſuch turnpike, in writing, and under the oaths of any ſix freeholders of the ſaid county, ſpecifying wherein ſuch road is out of repair, that then it ſhall be the duty of ſuch judge to appoint, under his hand and ſeal, three reputable freeholders not being ſtockholders in ſaid turnpike, to view, examine and report on the ſame; and which ſaid perſons, ſo to be appointed, ſhall take and ſubſcribe an oath, before any juſtice of the peace of the ſaid county, faithfully to perform the truſt repoſed in them; and which ſaid perſons, ſo appointed, ſhall particularly report the defects in the ſaid road to ſuch judge, who may, on conſideration of the circumſtances, either approve or diſapprove the ſame, in caſe ſuch report ſhall ſtate the ſaid road to be out of repair, and in caſe the ſame report ſhall be approved of, then ſuch judge ſhall, by a warrant under his hand and ſeal, authoriſe and require ſuch gate or gates thereon, as he ſhall direct, to be opened, and thereafter ſuch gate or gates, ſo directed to be opened, ſhall not be ſhut, nor ſhall any toll be exacted until the ſaid road ſhall be again put in good and ſufficient repair, which ſhall be aſcertained and determined by ſuch judge, on proof to be made to him, and thereupon it ſhall be lawful for ſuch judge, under his hand and ſeal, again to permit ſuch gate or gates to be ſhut, and toll to be exacted and taken as theretofore.

XI. *And be it further enacted*, That as ſoon as the preſident, 22
directors and company ſhall have perfected that part of the ſaid road between the ſaid court houſe and Timothy Beadle's, they ſhall give notice thereof to the governor of this ſtate, whoſe duty it ſhall be forthwith to nominate and appoint three ſkilful and judicious perſons to view and examine the ſame, and report to him in writing whether the ſaid road is executed in a maſterly and workmanlike manner, according to the true intent and meaning of this act, and if they report in the affirmative, then it ſhall be lawful for the governor, by licence under his hand and the privy ſeal of this ſtate, to permit and ſuffer the ſaid preſident,

directors and company to erect and fix two gates or turnpikes upon and across the above district or part of the said road, for the purpose of collecting the tolls and duties herein after granted to the said corporation, from all persons travelling the same, the westernmost gate to be fixed immediately below the road from Swego which crosses the Wappinger's creek near the house of
23 Solomon Sutherland with said turnpike road: *And further*, Whenever the said president, directors and company, shall have completed the whole of said road as is before described, on giving notice as aforesaid to the governor of this state, and on like view, approbation, report and licence as aforesaid, it shall be lawful for the said president and directors to erect and fix upon and across that part of said road which will be between the house of the said Timothy Beadle and the said town of Sharon or Salisbury two turnpikes or gates, and on that branch which will lead from the route before mentioned to Dover road one turnpike or gate.

24 XII. *And be it further enacted*, That as soon as such road is so perfected, and the same being so examined and licensed as aforesaid, it shall and may be lawful for the president, directors and company to appoint toll-gatherers to collect and receive from all and every person or persons using the said road, the tolls and du-
25 ties herein after mentioned, that is to say: For any number of miles not less than ten, the following sums of money, and so in proportion for any greater or less distance, to wit: For every score of sheep or hogs, six cents, and so in proportion for a greater or less number; for every score of cattle, twelve and an half cents, and so in proportion for a greater or less number; for every horse and rider, or led or driven horse, four cents; for every sulkey, chair or chaise, with one horse and two wheels, twelve and an half cents; for every chariot, coach, coachee or phaeton, twenty-five cents; for every stage waggon, or other four wheeled carriage, drawn by two horses, and for every cart or waggon, drawn by two oxen, twelve and an half cents, and three cents for every additional horse or ox; for every sleigh or sled, drawn by two horses or two oxen, six cents, and two cents for every additional horse or ox; for every sleigh or sled, drawn by one horse, (commonly called a pung) four cents; and for every cart drawn by one horse, six cents, and for every additional horse,
26 three cents; and it shall be lawful for any of the said toll-gatherers to stop any person or persons, riding, leading or driving any horse, cattle, sheep or hogs, sulkey, chaise, phaeton, chair, coach, waggon, cart, sleigh, sled or other carriage of burthen or pleasure, from passing through the said gates or turnpikes, until they shall have respectively paid the toll as above specified; *Provided*,
27 That nothing in this act shall be so construed as to entitle the said corporation or their toll-gatherers, appointed under this act, to ask, receive or take any toll from any person whatsoever, for passing said gates, or either of them, who are going to or from a funeral, or election, or who may have occasion to pass a gate for the common business of a farm, or who may be going to or from

public worſhip on a Sunday, or who may go to or return from mill, with grain or flour for his family's uſe; and alſo, that ſuch perſons who may in waggons or carts, the wheels of which ſhall be made with felloes of the breadth of eight inches on the face or out ſide of them, ſhall and may uſe ſaid road, and paſs ſaid gates free from any toll or expence whatſoever, for five years after the gates are erected.

XIII. *And be it further enacted*, That the ſaid corporation ſhall 28
cauſe mile-ſtones to be erected or placed, one for each and every mile on the ſaid road, from the court houſe in Poughkeepſie, to the eaſtern extreme thereof, and on each ſtone placed as aforeſaid, ſhall be fairly and legibly marked the diſtance the ſaid ſtone
is from the court houſe in Poughkeepſie, and the ſaid corporation 29
ſhall alſo cauſe to be fixed in a conſpicuous place at each gate or turnpike, a printed or painted liſt of the rates of toll which may be lawfully demanded.

XIV. *And be it further enacted*, That all perſons travelling in 30
ſleighs, ſleds or carriages of any deſcription on ſaid road, or any part thereof, in caſe of meeting others ſhall always take the right hand part of the road, and in caſe of ſleighs or ſleds the right hand water-way.

XV. *And be it further enacted*, That if any perſon or perſons, 31
ſhall break or throw down or deface any of the mile-ſtones ſo erected, for the information of the good people of this ſtate, or ſhall cut, break down or deſtroy any of the gates or turnpikes, which ſhall be erected in purſuance of this act, or ſhall forcibly paſs the ſame without having paid the legal toll at ſuch gate or turnpike, ſuch perſon or perſons ſhall forfeit and pay a fine, not exceeding fifty dollars nor leſs than one dollar, to be recovered with coſts of ſuit by the treaſurer of the ſaid corporation, to their uſe, in an action of treſpaſs; and if any perſon ſhall, with his team, carriage or horſe, turn out of ſaid road, to paſs the ſaid gates or turnpikes or any of them, on ground adjacent thereto, to avoid the toll due by virtue of this act, ſuch perſons ſhall forfeit and pay ten times as much as the legal toll would have been for any ſuch perſon paſſing through the ſaid gate or turnpike, with coſts of ſuit, to be recovered by the treaſurer of the ſaid corporation for the uſe thereof, in an action of debt, before any court having juriſdiction of the ſame; and that in any trial to be had reſpecting ſuch leaving ſaid road, and avoiding ſaid gates or turnpikes, or either of them, it ſhall be ſufficient for ſaid corporation, to prove that ſuch perſon did leave ſaid road, and after paſſing further on beyond ſaid gates, or either of them, did again take the public road, leading through or from ſaid gates or either of them; and that the burthen of the proof, with reſpect to the intention or deſign of the defendant in leaving ſaid road, and avoiding ſaid gates or either of them, ſhall lay entirely on the defendant.

XVI. *And be it further enacted*, That if any toll-gatherer ſhall 32
unneceſſarily delay or hinder any traveller or paſſenger, at either of the ſaid gates, or ſhall demand or receive more toll than is

by this act eſtabliſhed, he ſhall for every ſuch offence, forfeit and pay the ſum of two dollars, to be proſecuted for and recovered, together with coſts of ſuit, in an action of debt, before any juſtice of the peace of the ſaid county of Dutcheſs, for the ſole uſe of the perſon ſo unneceſſarily hindered or attempted to be defrauded.

33 XVII. *And be it further enacted*, That the ſhares in the ſaid turnpike road ſhall be taken, deemed and conſidered to be perſonal eſtate, and ſhall and may be transferable, and that the transfers of the ſaid ſhares ſhall be made and entered in the books of the ſaid preſident, directors and company.

34 XVIII. *And be it further enacted*, That the preſident and directors of the ſaid corporation ſhall keep a juſt and fair account of
35 all monies received for toll on the ſaid road, and ſhall make and declare a dividend of the clear profit and income, (all contingent charges and expences being firſt deducted) among all the ſtockholders of the ſtock of the ſaid corporation; and ſhall on the ſecond Tueſdays in May and November in every year, publiſh the half yearly dividend, to be made of the ſaid clear profits among the ſaid ſtockholders, and the time and place when and where the ſame will be paid, and ſhall cauſe the ſame to be paid accordingly.

36 XIX. *And be it further enacted*, That the ſaid corporation, ſhall within ſix months after the gates or turnpikes are ſet up, lodge in the office of the comptroller of this ſtate, an exact account of the expences thereof; and the ſaid corporation ſhall annually exhibit to the ſaid comptroller, a true account of the dividends made and ariſing from the ſaid toll, and the annual diſburſements on ſaid road.

XX. *And be it further enacted*, That the ſaid comptroller ſhall, and he is hereby required to report to the legiſlature of this ſtate, whenever it ſhall appear from the accounts ſo to be exhibited to him, that the income ariſing from the ſaid toll, ſhall have fully compenſated the ſaid ſtockholders of ſaid corporation, for all monies they have expended in purchaſes, making, repairing, orna-
37 menting and taking care of ſaid road, together with an intereſt
38 thereon of fourteen per centum per annum, and thereupon the ſaid corporation ſhall be diſſolved, and the intereſt and property of the ſaid road ſhall be veſted in the people of this ſtate; *Provided*, That if the ſaid corporation ſhall not proceed to commence work on the ſaid road, within two years after paſſing this act, and ſhall not within ſix years thereafter complete the ſaid road according to the intent and meaning of this act, then and in either of theſe caſes, this act ſhall ceaſe, be void and of no effect.

SCHOHARIE.

CHAP. CXIII.

Contents.

24, 26. *Accounts.*—25. *Dividends.*—28. *Interest.*—23. *Transfers.*
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2. Company, stile and corporate rights.—27. When to be dissolved.
26. Comptroller, Directors to render an account to him.
7. Directors, nine, to manage the concerns of the Company.
10. ——— and President, powers and authorities granted to.
8. Election, anniversary day of.
15. Gates, the erection thereof to be licensed by the Governor.
3. Lands, Company may hold, not exceeding 3000 dolls. value.
20, 21, 22. Penalties against this act, how recovered.
9. President, to be elected.
29 Quaker-Hill Act, two Clauses thereof extended to this Act.
13. Road, breadth and construction thereof.
14. ——— Payments for making, may be made in Stock,
5. Shares, 20 dollars each.—12. Number limited to 3000.
17. Toll, Rates of.—18. Who are exempted from paying.
16. Toll-Gatherers.—19. Powers granted to.—22. Penalties on.
11. Votes apportioned.

An ACT *to establish a Turnpike Corporation, to improve the Road from the Town of Cocksackie, in the County of Greene, to intersect the Great Western Turnpike Road, at or near Cherry-Valley.*

Passed April 5th, 1802.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Isaac Northrop, Thomas E. 1
Barker, Storm A. Becker, Henry Wells, junior, William Frazier and Alexander Alexander, and all such persons as shall associate, for the purpose of making a good and sufficient road, beginning at an oak stump in a north course from and near the house of Andrew Slovers, in the town of Cocksackie, in the county of Greene, pursuing the most practicable and convenient route to Freehold, continuing the same to Middleburgh, in the county of Schoharie, and from thence by the most direct route to intersect the great western turnpike road, leading from Albany through Cherry-Valley, in the most convenient place at or near Cherry-Valley, shall be and hereby are created and made a corporation and body politic, in fact and in name, by the name of "The Pre- 2
sident, Directors and Company of the Schoharie Turnpike Road," and by that name shall be capable in law to purchase, have, hold, enjoy and retain to them and their respective successors, lands, tenements, hereditaments, goods, chattels and effects of every kind whatsoever: *Provided*, The lands so to be held, shall not ex- 3
ceed in value three thousand dollars, and the same or any part

thereof to sell, grant, demise, alien or dispose of, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in all courts of record, or in any other place whatsoever: *Provided*, That such estate so to be purchased and held, shall be necessary to fulfil the end and intent of the corporation hereby created, and to no other use, intent or purpose whatsoever.

4 II. *And be it further enacted*, That Isaac Northrop of Catskill, and Thomas E. Barker of Freehold, in the county of Greene, Storm A. Becker of Middleburgh, and William Beekman of Sharon, be and they hereby are appointed commissioners, to do and perform the several duties herein after mentioned, that is to say: They shall on or before the first day of May next, procure four books, and in each of them enter as follows: "We whose names are hereunto subscribed, do for ourselves and our legal representatives, promise to pay the president, directors and company of
5 the Schoharie turnpike road, the sum of twenty dollars for every share of stock in the said company set opposite to our respective names, in such manner and proportion, and at such time and place as shall be determined by the said president, directors and company;" one of which books shall be left with each of the said commissioners at their respective places of abode, who shall keep the same open for the purpose of receiving subscriptions; and every subscriber shalt at the time of subscribing, pay unto either of the said commissioners, the sum of two dollars for each share
6 so subscribed; and the said commissioners, as soon as five hundred shares shall have been subscribed, shall cause an advertisement in two of the public newspapers printed nearest to the route of said road, giving at least fifteen days notice of the time and place when and where the said subscribers shall meet for the pur-
7 pose of choosing nine directors, who shall be stockholders, for the purpose of managing the concerns of the said company for
8 one year; and the day of choosing the said directors shall thereafter be the anniversary day for choosing directors; and any five of the said directors shall be a quorum and capable of transacting the business of said corporation, and every act of a majority of the said directors so met, shall be binding on the said corporation;
9 and the said directors elected by a plurality of the votes of the stockholders present, shall immediately proceed to the choice and
10 elect one of their number for president; and the said president and directors may meet from time to time, at such time and place as they may find expedient and direct, and shall have power to make such bye laws, rules, orders and regulations, not inconsistent with the constitution or laws of this state or of the United States, as shall be necessary for the well ordering the affairs of the said corporation, with a power of declaring forfeited all previous payments made on the respective shares, whose full sum or any part thereof is not paid at the time and place specified by
11 the said directors: *Provided*, That no person shall have more than ten votes, whatever number of shares he may be entitled to, and that each person shall be entitled to one vote for every share by him held under that number.

III. *And be it further enacted*, That the said president and directors, may continue to receive subscriptions to the stock of the said corporation, until there shall be three thousand shares subscribed, and shall have power to appoint such agents, clerks, workmen and others under them, as shall be necessary for executing the business of the said corporation. 12

IV. *And be it further enacted*, That the said president, directors and company shall cause the said road to be laid out at least four rods wide, where the same is practicable; twenty-four feet of which shall be bedded with wood, stone, gravel or other hard substance, compacted together a sufficient depth to secure a solid foundation to the same; and the said road shall be faced with gravel or other hard substance, in such manner as to secure, as near as the materials will admit, an even surface, rising toward the middle by a gradual arch; and they shall, during the continuance of this act, maintain and keep the same in good order and repair. 13

V. *And be it further enacted*, That it shall and may be lawful for the directors of the said corporation to agree with any person or persons who may be willing to undertake to complete any part of the said road, and to take payment therefor in turnpike stock. 14

VI. *And be it further enacted*, That as soon as the said president, directors and company shall have completed ten miles of the said road, in the manner specified, then it shall be lawful for the president, directors and company to give notice to the person administering the government of this state, who shall thereupon forthwith nominate and appoint three judicious persons to view the same, and report to him in writing whether the said road is so far executed in a workmanlike manner, according to the true intent and meaning of this act; and if the report, or that of any two of the said persons, is in the affirmative, then it shall be lawful for the said person administering the government of this state, and it is hereby made his duty, by licence, under his hand and the privy seal of this state, to permit the said president, directors and company to erect one gate and turnpike across said road; and in like manner when any additional ten miles shall be completed and ascertained as aforesaid, then it shall be lawful for the said president and directors to erect one other gate and turnpike across said road, and to demand and receive the tolls herein after mentioned; and when the whole road shall be completed, according to the true intent and meaning of this act, and passed the inspection aforesaid, it shall and may be lawful for the said president and directors to erect such and so many gates and turnpikes, as may be necessary on said road: *Provided*, That such gates shall not be erected at a less distance than ten miles from each other. 15

VII. *And be it further enacted*, That as soon as the whole, or any part of the said road, shall be completed, and permission to erect a gate or gates aforesaid be granted, the president and directors may appoint toll-gatherers to collect and receive of and from 16

all and every perſon or perſons uſing the ſaid road, and paſſing through any one of the ſaid gates, the toll and duties hereinafter
17 mentioned, and no more, that is to ſay: For every ſcore of ſheep five cents; for every ſcore of hogs, five cents; for every ſcore of cattle, horſes or mules, twelve cents, and ſo on in proportion for any greater or leſs number of ſheep, hogs, cattle, horſes or mules; for every horſe and rider or led horſe, four cents; for every ſulkey, chair or chaiſe with one horſe, twelve cents; for every cart drawn by one horſe, four cents; for every chariot, coach, coachee or phaeton, twenty-five cents; for every other four wheel carriage drawn by two horſes, mules or oxen, twelve cents, and three cents for every additional horſe, mule or ox; for every cart drawn by two oxen or horſes, ſix cents, and three cents for every additional horſe or ox; for every ſleigh or ſled, ſix cents, if drawn by two horſes or oxen, and in like proportion
18 if drawn by a greater or leſs number or horſes or oxen: *Provided* that no perſon paſſing to or from public worſhip on Sunday, going to their common labour on their farm with their cattle or teams, or returning therefrom, carrying firewood, going to or returning from mill, ſhall pay any toll at any gate ſituated within
19 the bounds of the town in which they are reſident: And it ſhall be lawful for any of the toll-gatherers to ſtop any perſon or perſons driving any carriage or ſled, riding or leading horſes, driving horſes, oxen, ſheep or hogs from paſſing through any of the gates or turnpikes, till they have reſpectively paid the tolls above
20 mentioned; and if any perſon or perſons ſhall forcibly paſs any gate or gates without having paid the legal toll, they ſhall forfeit the ſum of five dollars for each offence to be recovered in the name of the company, to their uſe, by action of debt, in any
21 court having cognizance of the ſame, with coſts; and if any perſon with his team, horſes or carriages, cattle, ſheep or hogs, ſhall, after travelling the ſaid road, turn off to paſs the ſaid gate or gates on ground adjacent thereto, and again enter on the ſaid road, with intention of defrauding the ſaid company by avoiding the payment of the toll due by virtue of this act, ſuch perſon ſhall forfeit the ſum of five dollars, to be recovered as aforeſaid, with coſts.

22 VIII. *And be it further enacted*, That if any toll-gatherer ſhall unreaſonably delay or hinder any perſon from paſſing any of the gates, and at any time in the day or night, on tendering the legal toll, or ſhall demand more than is eſtabliſhed by this act, he ſhall for every ſuch offence pay a ſum not exceeding five dollars, to be recovered before any juſtice in the county where ſuch offence ſhall be committed, for the ſole uſe of the perſon ſo hindered, delayed or defrauded, and in his name, with coſts.

23 IX. *And be it further enacted*, That the ſtock of the ſaid company ſhall be taken and deemed perſonal eſtate, and ſhall and may be transferable, agreeably to ſuch bye laws, rules and regulations, as may from time to time be made therefor by the directors.

24 X. *And be it further enacted*, That the preſident and directors of the ſaid corporation ſhall keep a juſt and fair account of all mo-

nies received by the ſeveral collectors of toll on ſaid road, and 25
ſhall make and declare a dividend of the clear profits and income (all contingent coſts and charges being firſt deducted) among all the ſtockholders of the ſaid corporation, and ſhall on the firſt days of January and July in every year, publiſh the half yearly dividend to be made of the ſaid clear profits among the ſtockholders, and of the times and places when and where the ſame will be paid, and ſhall cauſe the ſame to be paid accordingly.

XI. *And be it further enacted*, That the ſaid preſident and direc- 26
tors ſhall within ſix months after ſaid road is completed, lodge in the comptroller's office of this ſtate, an account of the expence thereof, and the corporation ſhall annually exhibit to the comptroller a true account or dividend of all the income ariſing from ſaid toll, with the annual diſburſements on ſaid road.

XII. *And be it further enacted*, That the legiſlature may diſ- 27
ſolve the ſaid corporation when the income ariſing from ſaid toll ſhall have fully compenſated the ſaid corporation for all monies they may have expended in purchaſing, making, repairing and taking care of ſaid road, together with an intereſt thereon of fourteen 28
per centum per annum, and thereupon the right, intereſt and property of ſaid road ſhall be veſted in the people of this ſtate, and be and remain at their diſpoſal; *Provided*, That if the ſaid corporation ſhall not commence their operations on the ſaid road, within two years after paſſing this act, or ſhall not within ſix years afterwards complete the ſaid road according to the true intent and meaning of this act, then and in either of theſe caſes this act ſhall ceaſe, be void and of no effect.

XIII. *And be it further enacted*, That the ſeveral proviſions and 29
reſtrictions in the fifth and ſixth ſections of the act, entitled "An act to eſtabliſh a turnpike corporation for improving and making a road from Quaker-hill, in Dutcheſs county, at the line of Connecticut, near the houſe of Jeptha Sabins, to or near the houſe of Peter Brill, in the town of Beekman," ſhall be and are hereby extended to this road.

Lock Navigation.

CHAP. XCVII.

Contents.

8. Comptroller, to accept Shares for Monies due the State.
1. Delinquent Stockholders, re-admitted on paying their arrears.
2. ——— In caſe of neglect, their Shares to veſt in the Company.
6. Dividends, extended to 20 per cent.
3. Shares, each original one divided into three, of 120 dolls. each.
4. Stockholders, to receive a Certificate for each new Share.
5. ——— Entitled to vote thereon, as if originally granted.
7. Toll, production thereof, may be appropriated to complete the undertaking, or divided among the Stockholders.

thereof to ſell, grant, demiſe, alien or diſpoſe of, to ſue and be ſued, plead and be impleaded, anſwer and be anſwered unto, defend and be defended in all courts of record, or in any other place whatſoever: *Provided*, That ſuch eſtate ſo to be purchaſed and held, ſhall be neceſſary to fulfil the end and intent of the corporation hereby created, and to no other uſe, intent or purpoſe whatſoever.

4 II. *And be it further enacted*, That Iſaac Northrop of Catſkill, and Thomas E. Barker of Freehold, in the county of Greene, Storm A. Becker of Middleburgh, and William Beekman of Sharon, be and they hereby are appointed commiſſioners, to do and perform the ſeveral duties herein after mentioned, that is to ſay: They ſhall on or before the firſt day of May next, procure four books, and in each of them enter as follows: "We whoſe names are hereunto ſubſcribed, do for ourſelves and our legal repreſentatives, promiſe to pay the preſident, directors and company of
5 the Schoharie turnpike road, the ſum of twenty dollars for every ſhare of ſtock in the ſaid company ſet oppoſite to our reſpective names, in ſuch manner and proportion, and at ſuch time and place as ſhall be determined by the ſaid preſident, directors and company;" one of which books ſhall be left with each of the ſaid commiſſioners at their reſpective places of abode, who ſhall keep the ſame open for the purpoſe of receiving ſubſcriptions; and every ſubſcriber ſhalt at the time of ſubſcribing, pay unto either of the ſaid commiſſioners, the ſum of two dollars for each ſhare
6 ſo ſubſcribed; and the ſaid commiſſioners, as ſoon as five hundred ſhares ſhall have been ſubſcribed, ſhall cauſe an advertiſement in two of the public newſpapers printed neareſt to the route of ſaid road, giving at leaſt fifteen days notice of the time and place when and where the ſaid ſubſcribers ſhall meet for the pur-
7 poſe of choofing nine directors, who ſhall be ſtockholders, for the purpoſe of managing the concerns of the ſaid company for
8 one year; and the day of choofing the ſaid directors ſhall thereafter be the anniverſary day for choofing directors; and any five of the ſaid directors ſhall be a quorum and capable of tranſacting the buſineſs of ſaid corporation, and every act of a majority of the ſaid directors ſo met, ſhall be binding on the ſaid corporation;
9 and the ſaid directors elected by a plurality of the votes of the ſtockholders preſent, ſhall immediately proceed to the choice and
10 elect one of their number for preſident; and the ſaid preſident and directors may meet from time to time, at ſuch time and place as they may find expedient and direct, and ſhall have power to make ſuch bye laws, rules, orders and regulations, not inconſiſtent with the conſtitution or laws of this ſtate or of the United States, as ſhall be neceſſary for the well ordering the affairs of the ſaid corporation, with a power of declaring forfeited all previous payments made on the reſpective ſhares, whoſe full ſum or any part thereof is not paid at the time and place ſpecified by
11 the ſaid directors: *Provided*, That no perſon ſhall have more than ten votes, whatever number of ſhares he may be entitled to, and that each perſon ſhall be entitled to one vote for every ſhare by him held under that number.

III. *And be it further enacted*, That the said president and directors, may continue to receive subscriptions to the stock of the said corporation, until there shall be three thousand shares subscribed, and shall have power to appoint such agents, clerks, workmen and others under them, as shall be necessary for executing the business of the said corporation. 12

IV. *And be it further enacted*, That the said president, directors and company shall cause the said road to be laid out at least four rods wide, where the same is practicable; twenty-four feet of which shall be bedded with wood, stone, gravel or other hard substance, compacted together a sufficient depth to secure a solid foundation to the same; and the said road shall be faced with gravel or other hard substance, in such manner as to secure, as near as the materials will admit, an even surface, rising toward the middle by a gradual arch; and they shall, during the continuance of this act, maintain and keep the same in good order and repair. 13

V. *And be it further enacted*, That it shall and may be lawful for the directors of the said corporation to agree with any person or persons who may be willing to undertake to complete any part of the said road, and to take payment therefor in turnpike stock. 14

VI. *And be it further enacted*, That as soon as the said president, directors and company shall have completed ten miles of the said road, in the manner specified, then it shall be lawful for the president, directors and company to give notice to the person administering the government of this state, who shall thereupon forthwith nominate and appoint three judicious persons to view the same, and report to him in writing whether the said road is so far executed in a workmanlike manner, according to the true intent and meaning of this act; and if the report, or that of any two of the said persons, is in the affirmative, then it shall be lawful for the said person administering the government of this state, and it is hereby made his duty, by licence, under his hand and the privy seal of this state, to permit the said president, directors and company to erect one gate and turnpike across said road; and in like manner when any additional ten miles shall be completed and ascertained as aforesaid, then it shall be lawful for the said president and directors to erect one other gate and turnpike across said road, and to demand and receive the tolls herein after mentioned; and when the whole road shall be completed, according to the true intent and meaning of this act, and passed the inspection aforesaid, it shall and may be lawful for the said president and directors to erect such and so many gates and turnpikes, as may be necessary on said road: *Provided*, That such gates shall not be erected at a less distance than ten miles from each other. 15

VII. *And be it further enacted*, That as soon as the whole, or any part of the said road, shall be completed, and permission to erect a gate or gates aforesaid be granted, the president and directors may appoint toll-gatherers to collect and receive of and from 16

all and every perſon or perſons uſing the ſaid road, and paſſing through any one of the ſaid gates, the toll and duties hereinafter
17 mentioned, and no more, that is to ſay: For every ſcore of ſheep five cents; for every ſcore of hogs, five cents; for every ſcore of cattle, horſes or mules, twelve cents, and ſo on in proportion for any greater or leſs number of ſheep, hogs, cattle, horſes or mules; for every horſe and rider or led horſe, four cents; for every ſulkey, chair or chaiſe with one horſe, twelve cents; for every cart drawn by one horſe, four cents; for every chariot, coach, coachee or phaeton, twenty-five cents; for every other four wheel carriage drawn by two horſes, mules or oxen, twelve cents, and three cents for every additional horſe, mule or ox; for every cart drawn by two oxen or horſes, ſix cents, and three cents for every additional horſe or ox; for every ſleigh or ſled, ſix cents, if drawn by two horſes or oxen, and in like proportion
18 if drawn by a greater or leſs number or horſes or oxen: *Provided* that no perſon paſſing to or from public worſhip on Sunday, going to their common labour on their farm with their cattle or teams, or returning therefrom, carrying firewood, going to or returning from mill, ſhall pay any toll at any gate ſituated within
19 the bounds of the town in which they are reſident: And it ſhall be lawful for any of the toll-gatherers to ſtop any perſon or perſons driving any carriage or ſled, riding or leading horſes, driving horſes, oxen, ſheep or hogs from paſſing through any of the gates or turnpikes, till they have reſpectively paid the tolls above
20 mentioned; and if any perſon or perſons ſhall forcibly paſs any gate or gates without having paid the legal toll, they ſhall forfeit the ſum of five dollars for each offence to be recovered in the name of the company, to their uſe, by action of debt, in any
21 court having cognizance of the ſame, with coſts; and if any perſon with his team, horſes or carriages, cattle, ſheep or hogs, ſhall, after travelling the ſaid road, turn off to paſs the ſaid gate or gates on ground adjacent thereto, and again enter on the ſaid road, with intention of defrauding the ſaid company by avoiding the payment of the toll due by virtue of this act, ſuch perſon ſhall forfeit the ſum of five dollars, to be recovered as aforeſaid, with coſts.

22 VIII. *And be it further enacted*, That if any toll-gatherer ſhall unreaſonably delay or hinder any perſon from paſſing any of the gates, and at any time in the day or night, on tendering the legal toll, or ſhall demand more than is eſtabliſhed by this act, he ſhall for every ſuch offence pay a ſum not exceeding five dollars, to be recovered before any juſtice in the county where ſuch offence ſhall be committed, for the ſole uſe of the perſon ſo hindered, delayed or defrauded, and in his name, with coſts.

23 IX. *And be it further enacted*, That the ſtock of the ſaid company ſhall be taken and deemed perſonal eſtate, and ſhall and may be transferable, agreeably to ſuch bye laws, rules and regulations, as may from time to time be made therefor by the directors.

24 X. *And be it further enacted*, That the preſident and directors of the ſaid corporation ſhall keep a juſt and fair account of all mo-

nies received by the ſeveral collectors of toll on ſaid road, and 25
ſhall make and declare a dividend of the clear profits and income (all contingent coſts and charges being firſt deducted) among all the ſtockholders of the ſaid corporation, and ſhall on the firſt days of January and July in every year, publiſh the half yearly dividend to be made of the ſaid clear profits among the ſtockholders, and of the times and places when and where the ſame will be paid, and ſhall cauſe the ſame to be paid accordingly.

XI. *And be it further enacted*, That the ſaid preſident and direc- 26
tors ſhall within ſix months after ſaid road is completed, lodge in the comptroller's office of this ſtate, an account of the expence thereof, and the corporation ſhall annually exhibit to the comptroller a true account or dividend of all the income ariſing from ſaid toll, with the annual diſburſements on ſaid road.

XII. *And be it further enacted*, That the legiſlature may diſ- 27
ſolve the ſaid corporation when the income ariſing from ſaid toll ſhall have fully compenſated the ſaid corporation for all monies they may have expended in purchaſing, making, repairing and taking care of ſaid road, together with an intereſt thereon of fourteen 28
per centum per annum, and thereupon the right, intereſt and property of ſaid road ſhall be veſted in the people of this ſtate, and be and remain at their diſpoſal; *Provided*, That if the ſaid corporation ſhall not commence their operations on the ſaid road, within two years after paſſing this act, or ſhall not within ſix years afterwards complete the ſaid road according to the true intent and meaning of this act, then and in either of theſe caſes this act ſhall ceaſe, be void and of no effect.

XIII. *And be it further enacted*, That the ſeveral proviſions and 29
reſtrictions in the fifth and ſixth ſections of the act, entitled "An act to eſtabliſh a turnpike corporation for improving and making a road from Quaker-hill, in Dutcheſs county, at the line of Connecticut, near the houſe of Jeptha Sabins, to or near the houſe of Peter Brill, in the town of Beekman," ſhall be and are hereby extended to this road.

Lock Navigation.

CHAP. XCVII.

Contents.

8. Comptroller, to accept Shares for Monies due the State.
1. Delinquent Stockholders, re-admitted on paying their arrears.
2. ——— In caſe of neglect, their Shares to veſt in the Company.
6. Dividends, extended to 20 per cent.
3. Shares, each original one divided into three, of 120 dolls. each.
4. Stockholders, to receive a Certificate for each new Share.
5. ——— Entitled to vote thereon, as if originally granted.
7. Toll, production thereof, may be appropriated to complete the undertaking, or divided among the Stockholders.

An ACT *to aid the Eſtabliſhing and Opening the Weſtern Lock Navigation.*

Paſſed April 2d, 1802.

WHEREAS the preſident, directors and company of the weſtern inland lock navigation of the ſtate of New-York, have by their petition, prayed further aid to enable them to proſecute their operations : In compliance wherewith,

I. *Be it enacted by the People of the State of New-York, repreſented*
1 *in Senate and Aſſembly*, That the perſons who have been ſtockholders in the ſaid company, who have complied with the requiſitions of the ſaid preſident and directors, made before the nineteenth day of February, one thouſand ſeven hundred and ninety-ſix, and who have at any time ſince neglected, and ſtill neglect to pay any of the ſums required to be paid by ſuch preſident and directors, by any requiſition by them made, after the ſaid nineteenth day of February, ſhall be re-admitted ſtockholders of the ſaid company, upon their paying, within ſix months after the paſſing of this act, to the treaſurer or agent of the ſaid preſident and directors the ſums payable by them, in purſuance of ſuch requiſitions, with lawful intereſt from the day on which ſuch ſums were reſpectively
2 required to be paid until the day of making ſuch payment ; and that if any perſon who ſhall have ſo neglected to pay the ſums required by any ſuch former requiſitions, ſhall not make ſuch payment of principal and intereſt within the ſaid ſix months, then the ſhare of ſuch perſon, ſo neglecting, ſhall be deemed to be fully veſted in the ſaid company, to be diſpoſed of by the ſaid preſident and directors, as to them ſhall appear beſt calculated to advance the intereſt of the ſaid company.

3 II. *And be it further enacted*, That the ſtock of the ſaid company ſhall be deemed perſonal eſtate, and that each of the ſhares thereof ſhall be divided into three ſhares : that one hundred and twenty dollars ſhall conſtitute each ſuch ſhare ; that each of the perſons holding one of the original ſhares at the expiration of the ſaid ſix months, and having ſatisfied the whole amount of the ſaid requiſitions, heretofore made thereon, ſhall be entitled to three of the new ſhares, and ſhall be credited on each of ſuch new three ſhares, one third part of the amount of the principal ſum paid on
4 each original ſhare ; and ſhall thereupon receive a certificate for each new ſhare, ſpecifying the amount of ſuch payment thereon, ſubject to complete the ſame on the requiſition of the ſaid preſident and directors, in the manner preſcribed by the act incorporating the ſaid preſident, directors and company, to one hundred
5 and twenty dollars, and no more ; and that the ſtockholders ſhall, after the expiration of the ſaid ſix months, be entitled to vote in the ſame proportion, as if ſuch new ſhares had been originally in and by the ſaid act created as part of the ſtock of ſaid company.

6 III. *And be it further enacted*, That the limitation of the dividend of the ſtockholders of the ſaid company, on the principles contained in the ſeventeenth ſection of the ſaid act, ſhall inſtead
7 of fifteen be extended to twenty per cent ; and that until the navi-

gation ſhall be completed in its whole extent, it ſhall be lawful to and for the ſaid preſident and directors, in their diſcretion, either to appropriate the production of their tolls to the proſecution of the ſaid undertaking, or to divide the ſame in the manner in and by the ſaid act directed.

IV. *And be it further enacted*, That the comptroller ſhall accept of ſo many ſhares of the ſtock of the ſaid company, as ſhall amount to the principal ſum and intereſt now due to this ſtate from the ſaid preſident, directors and company, computing each ſuch ſhare at one hundred and twenty dollars, in lieu of and in full diſcharge of ſuch principal and intereſt; which ſhares of the ſtock of the ſaid company, ſo accepted in lieu of the ſaid principal and intereſt, ſhall not be ſubject to any farther requiſition; and ſhall in all dividends to be made after the paſſing this act, be entitled to a rateable ſhare of the production of ſuch navigation, making allowances for the difference of advance between thoſe ſhares and others, compoſing the ſtock of the ſaid company. 8

Trees.

CHAP. XXXII.

Contents.

1. Trees, may be planted on the Sides of public Highways.
2. ——— To be in regular Rows, at leaſt ſix feet from each other.
3. ——— Penalty for cutting down or injuring them.

An ACT *to authoriſe the ſetting out and planting of Trees on the Sides of certain public Highways.*

Paſſed March 8th, 1802.

I. BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That from and after the paſſing of this act, it ſhall and may be lawful for every perſon owning lands joining on public highways which ſhall not be leſs than three rods wide, to plant and ſet out trees of any deſcription, on or near the extreme ſide or ſides thereof: *Provided*, Said trees be placed in regular rows at the diſtance of at leaſt ſix feet from each other, and on the ſide or ſides only of ſaid public highways which ſhall be contiguous to the land owned by the perſon or perſons ſo ſetting out or planting the ſame. 1 2

II. *And be it further enacted*, That if any perſon or perſons whatſoever, ſhall cut down, injure or deſtroy trees ſo planted and ſet out as aforeſaid, or that have been heretofore ſo planted, ſet out or ſtanding as aforeſaid, he or they ſhall be liable to an action of treſpaſs, at the ſuit of the party owning the land contiguous to ſuch trees, any law, uſage or cuſtom to the contrary notwithſtanding. 3

Waters.

CHAP. CXXII.

Contents.

1. In the Counties of Steuben and Chenango, the Waters of certain Lakes, Creeks and Rivers, declared public Highways.
2. Owners of adjacent lands, may erect Mills, &c. on ſaid Waters.
4. ——— Provided they cut a ſufficient Canal ſo that the Navigation is not injured thereby.
3. Penalty for obſtructing the ſaid Waters.
5. 34th Section of the Road Act, ſo far as it declares the outlet of Canandaigua-lake a public Highway, repealed.

An ACT *declaring certain Waters in the Counties of Steuben and Chenango, to be Public Highways, and repealing Part of the Act, entitled "An Act to regulate Highways."*

Paſſed April 5th, 1802.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the waters of Little-lake
1 and Mud-lake, and the ſtrait by which they are connected, in the county of Steuben, and the waters of Mud-creek, beginning immediately below Frederick Bartle's mill-dam; thence down the ſaid creek to Thomas Cobbit's mill-dam; thence through a canal to the weſt of ſaid dam heretofore dug and prepared by the ſaid Cobbit and others, for the purpoſe of navigation into the creek below the ſaid dam; and thence down the ſaid creek to its junction with the Conhocton-river; and all that part of the Conhocton-river, which lies between the bridge at the town of Bath and a point on ſaid river, twenty miles above the ſaid bridge, and the Unadilla-river from the forks to the mouth thereof; and the eaſt or main branch of the Chenango-river, from the forks thereof in the town of Sherburne, in the county of Chenango, to its junction with the weſt branch thereof, be and they are hereby declared to
2 be public highways; *Provided however*, That the owners of the adjoining lands, may erect mills or other water-works, ſtorehouſes or docks on the ſaid waters, ſo that the ſame ſhall not obſtruct the navigation thereof.

3 II. *And be it further enacted*, That if any perſon ſhall, after the paſſing of this act, dam up or obſtruct the navigation of the before deſcribed waters, by erecting or building any mill or wier, or by the building or erecting thereon any other works, or by cutting or falling wood or timber in the ſame, every perſon ſo offending, ſhall forfeit for each offence the ſum of twenty-five dollars, to be recovered with coſts of ſuit, by and for the uſe of any perſon who will ſue for the ſame, before any juſtice of the peace in the ſaid counties; and the perſon ſo offending ſhall moreover be deemed guilty of a miſdemeanor, and be proſecuted ac-

cordingly by indictment; *Provided nevertheless*, That if any person or persons erecting or building a mill or mills, or other works, 4
on either of the above described streams, shall cut or dig a sufficient canal or canals, so that the navigation of the same be not injured by means of such works, that the said person or persons shall not be liable to any of the penalties of this act; *And provided also*, That nothing in this act contained, shall be construed to extend to or affect any mill or mills, or any dam for the use thereof, that may have been erected, or the building thereof commenced on any of the said streams before the passing of this act.

III. *And be it further enacted*, That the thirty-fourth section of 5
the act, entitled "An act to regulate highways," passed the 8th day of April, 1801, so far as it declares the outlet of the Canandaigua-lake, in the county of Ontario, from the said lake to its junction with the waters of Mud-creek, to be a public highway, be and the same is hereby repealed.

Hamilton Aqueduct.

CHAP. CXV.

Contents.

1. Certain persons incorporated.
4. Clerk, Collector, Treasurer, &c. how chosen.
7. ——— Their several duties.
2. Company, their Stile and corporate Rights.
5. ——— Powers and Privileges, granted to.
3. Meeting of Stockholders, how convened.
6. Penalties against this Act, the amount thereof limited.
8. Transfers of Stock, to be regulated by the Stockholders.

An ACT *for incorporating an Aqueduct Association in the Town of Hamilton, in the County of Chenango.*

Passed April 5th, 1802.

WHEREAS Elisha Payne, together, with sundry other citizens, have associated for the purpose of supplying the village where courts are held in the town of Hamilton, in the county of Chenango, with pure and wholesome water, for the use of such inhabitants thereof and others as may be inclined to take the same: Therefore,

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Elisha Payne, Peter P. Roots, 1
Benjamin Pierce, Nathaniel King, John Collins, Thomas Greenly, John Williams and James Pettit, and such other persons as may become interested in the association or company formed for supplying the said village with water, by means of conduits or aqueducts, shall be and hereby are created a body politic and corpo-

2 rate, in fact and in name, by the name of the "Aqueduct Affociation in the town of Hamilton," and by that name fhall be capable in law to fue and be fued, plead and be impleaded, in any court of record, but fhall not be capable of holding any real eftate excepting fuch as may be neceffary for fuch conduits or aqueducts, in any other place than within the faid village, or any real or perfonal eftate exceeding the annual value in the whole of two thoufand dollars, exclufive of the profits or income of fuch conduits or aqueducts.

3 II. *And be it further enacted*, That it fhall and may be lawful for any three of the faid perfons fo affociated or to be affociated, by notice to be given in writing, at two of the moft public places in the faid village, five days at leaft previous to any meeting, to convene the faid company or affociation, at the moft convenient and public
4 place in the faid village; and fuch of the members of the faid affociation, being at leaft a majority of the whole number, as fhall fo convene, fhall be and hereby are authorifed by a vote of a majority prefent, to choofe and appoint a treafurer, clerk and collector of fuch affociation, and fuch other agents as may be neceffary to
5 carry into effect the objects of their affociation, to make and ordain all fuch bye laws, rules and regulations, relative to the faid conduits or aqueducts, as they may deem proper and neceffary, for the fuperintendance, regulation and management of the fame, and of fuch as may be added thereto; and for the alteration, prefervation and reparation thereof, or for the equal affeffment and collection amongft the proprietors of the fame aqueducts, according to their refpective rights and fhares, of all cofts and expences arifing in the execution of all fuch bye laws, rules and regulations aforefaid, and to impofe penalties for the violation of the faid bye laws and regulations: *And further*, To inftitute fuch fuits in the name of fuch company or affociation, as may be neceffary to recover damages that may be done to the faid aqueducts, or
6 for any penalty impofed as aforefaid, with cofts of fuit; *Provided*, That no penalty to be impofed by virtue of any fuch bye laws or regulations as aforefaid, fhall be contrary to the laws of this ftate, or exceed twenty dollars for any one offence.

7 III. *And be it further enacted*, That the treafurer fhall receive and pay out all monies collected by virtue of this act, agreeably to the orders and directions of the affociation; and the faid clerk fhall enter in writing all the proceedings of the faid affociation or company when convened as aforefaid, under this act; and the faid collector fhall levy and collect all fuch taxes and fums of money, fo as aforefaid to be voted in purfuance of this act, agreeably to fuch tax lifts or affeffment rolls as fhall be made out and delivered to him by the faid clerk, the fame being firft by him certified and fubfcribed, and fhall pay the fame monies over to the treafurer of the faid affociation; and the faid collector fhall have the like powers, and proceed in like manner in the faid collection as is by law prefcribed to the collector of any town in the collection of the contingent charges of the county.

IV. *And be it further enacted*, That all transfers of ſhares in the ſaid aſſociation or company, ſhall be made and entered in a book to be by them provided for that purpoſe, under ſuch regulations as may be preſcribed by the ſaid aſſociation. 8

Inſurance.

MARINE INSURANCE COMPANY.

CHAP. XL.

Contents.

1. Company, how long to endure—Stile and corporate Rights.
22. ——— Prohibited from dealing in Goods and Public Stock.
5. Directors, eleven, to be choſen—their qualifications.
25. ——— Certain Perſons not eligible for.
11. ——— Firſt named—how long to continue in office.
15. ——— Powers and Privileges granted to.
19. ——— Their Meetings, & proceedings reſpecting Dividends.
20. ——— Triennally to account with the Stockholders.
6. Election, anniverſary day of—Notice thereof to be given.
13. ——— If not held on the ſaid day, may be held on any other.
7. ——— How conducted—to be by Ballot—each ſhare one vote.
8. ——— May be perſonally or by proxy.
21. Eſtate, real, limited as to manner of acquiring, holding, &c.
18. Loſſes on Policies, Payments for, not to be made without conſent of at leaſt four Directors.
26. Members, at the diſſolution of the Corporation, how reſponſible.
4. Mortgaged Premiſes, on ſale thereof, Releaſes to be given.
17. Notes, may be taken for Premiums.
23. —— Given by the Corporation, to be under ſeal.
9. Preſident and two Aſſiſtants, to be choſen.
16. ——— Authority granted to them to make Inſurances.
2. Shares, 250 dollars each—Number limited to 1000.
24. ——— Muſt be held for 90 days to entitle the holder to vote.
3. Stock, not to exceed 250,000 dollars.
14. Transfers of Stock by certain Officers, limited.
10, 12. Vacancy in the office of Preſident, Director, &c. how filled.

An ACT *to incorporate the Stockholders of the Marine Insurance Company of New-York.*

Paſſed March 16th, 1802.

WHEREAS a petition hath been preſented to the legiſlature, ſubſcribed by William Neilſon and others, praying that an aſſociation, under the ſtile of the marine inſurance company of New-York, may be incorporated, the better to enable them to conduct and extend the buſineſs of marine inſurance, being the ſole purpoſe of their inſtitution: Therefore,

I. *Be it enacted by the People of the State of New-York, repreſented in Senate and Assembly*, That all ſuch perſons as now are

or hereafter ſhall be ſtockholders of the ſaid company, ſhall be
1 and hereby are ordained, conſtituted and declared to be from time to time, and until the firſt day of March, in the year one thouſand eight hundred and fourteen, a body corporate and politic, in fact and in name, by the name of "The Marine Inſurance Company of New-York," and by that name they and their ſucceſſors, until the firſt day of March, one thouſand eight hundred and fourteen, ſhall and may have continual ſucceſſion, and ſhall be capable in law of ſuing and being ſued, pleading and being impleaded, anſwering and being anſwered unto, defending and being defended, in all courts and places whatſoever, in all manner of actions, ſuits, complaints, matters and cauſes whatſoever, and that they and their ſucceſſors may have a common ſeal, and may change and alter the ſame at their pleaſure; and alſo that they and their ſucceſſors, by the name of the marine inſurance company of New-York, ſhall be in law capable of purchaſing, holding and conveying any eſtate, real or perſonal, for the uſe of the ſaid corporation, ſubject to the reſtrictions herein after men-
2 tioned: That a ſhare in the ſtock of the ſaid corporation, ſhall be two hundred and fifty dollars, or the equivalent thereof in ſpecie, and the number of ſhares ſhall not exceed one thouſand;
3 and the whole amount of the ſtock, eſtate and property which the ſaid company ſhall be authoriſed to hold, including the capital ſtock or ſhares above mentioned, ſhall never exceed in value, two hundred and fifty thouſand dollars.

4 II. *And whereas*, By the original articles of aſſociation, bonds and mortgages for a conſiderable part of the capital of the ſaid company, may be taken in lieu of money, and as the ſaid mortgages may be given upon property that the owners thereof may afterwards wiſh to diſpoſe of: Therefore, *Be it further enacted*, That if any part of the premiſes ſo mortgaged be diſpoſed of, a releaſe of ſuch part ſhall be given by the ſaid company: *Provided always*, That the monies ariſing from ſuch ſale ſhall be paid to the ſaid company; or if the property or any part thereof be ſold on credit, mortgages ſhall be taken from the purchaſer or purchaſers, and ſhall be aſſigned to the ſaid company; and the original bond, with ſuch part of the premiſes as were not releaſed by the ſaid company, ſhall alſo remain as a ſecurity for the payment of all the monies mentioned in the condition.

5 III. *And be it further enacted*, That for the well ordering of the affairs and concerns of the ſaid corporation, there ſhall be choſen eleven directors, who ſhall hold their offices for one year, and until others ſhall be choſen, and no longer; which directors ſhall at the time of their election be ſtockholders and citizens of this ſtate, and each of them at the time of their election and during their continuance in office, ſhall be holders, in their own right,
6 of at leaſt twenty-five ſhares; and ſhall be elected on the ſecond Tueſday in November in each and every year, at the office of the ſaid company, or at any other convenient place in the city of New-York, and at ſuch time of the day as the preſident and aſſiſtants, or a majority of them for the time being, ſhall appoint;

of which election further notice shall be given in at least two of the newspapers printed in the city of New-York, and continued for the space of fifteen days, immediately preceding every such election; and the election shall be holden under the inspection of 7
three stockholders, not being directors, to be appointed for that purpose by the president and assistants, or a majority of them, previous to every election; and the election shall be by ballot, and determined by a plurality of votes of the stockholders present, and each stockholder shall be entitled for every share to one vote, and may vote by proxy: *Provided*, The proxy be derived immedi- 8
ately from such stockholder, whether citizen or foreigner.

IV. *And be it further enacted*, That the directors shall meet 9
as soon as may be after every election, and shall choose out of the stockholders at large or their own body, a president and two assistants, who shall serve for one year, and be sworn to discharge faithfully the duties of their office, but neither the president or assistants shall be eligible to their places, unless they hold each in their own right, at least twenty-five shares in the capital stock of the said corporation; and in case of the death, resignation or ina- 10
bility to serve, of the president, assistants or either of them, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen, by a special election for that purpose; and that the president, or in case of his death, resignation or inability, the assistants or either of them, and in case of their death, resignation or inability, then the secretary, shall have power to call a meeting of the directors for the purpose aforesaid, by a notice published in two of the daily papers printed in the city of New-York, for three days immediately previous thereto; and 11
the first directors shall be William Neilson, John Lawrence, William Laight, George Turnbull, John C. Vanderheuvel, William Neilson, junior, Henry I. Wyckoff, Samuel Gouverneur, Thomas Knox, Robert Lenox and Alexander McGregor, who shall hold their offices respectively, until the second Tuesday of November, in the year of our Lord one thousand eight hundred and two; and in case of the death, resignation or inability to serve of one 12
or more of the directors, such vacancy or vacancies shall or may be filled for the remainder of the year in which they may happen, by a special election for that purpose, to be held in the same manner as is herein before directed respecting annual elections for directors.

V. *And be it further enacted*, That in case it should at any time 13
happen, that an election of directors should not be made on any day when pursuant to this act it ought to have been made, the said corporation shall not, for that cause, be deemed to be dissolved, but it shall and may be lawful on any other day to hold and make an election of directors in such manner as shall have been regulated by the laws and ordinances of the said corporation.

VI. *And be it further enacted*, That neither the president, as- 14
sistants, directors, or either of them, shall transfer any of the shares they may respectively hold under twenty-five, during their continuance in office, without thereby forfeiting their places.

15 VII. *And be it further enacted*, That the directors, or a majority of them, ſhall have power to make, preſcribe and alter ſuch bye laws, rules and regulations as ſhall to them appear needful and proper, touching the well ordering of the ſaid corporation, the management and diſpoſition of its ſtock, property, eſtate and effects, the transfer of ſhares, the duties and conduct of the preſident, aſſiſtants, ſecretary, clerks, and perſons employed, the election of directors, and of all ſuch other matters as appertain to the buſineſs of marine inſurance; and alſo ſhall have power to appoint a ſecretary, and ſo many clerks and perſons for carrying on the ſaid buſineſs, and with ſuch ſalaries and allowances to them, the preſident and aſſiſtants, as by the ſaid directors ſhall be deemed adviſeable; *Provided always*, That ſuch bye laws, rules and regulations ſhall not be repugnant to the conſtitution and laws of this ſtate.

16 VIII. *And be it further enacted*, That either of the two aſſiſtants, together with the preſident, or the two aſſiſtants, in the abſence of the preſident, ſhall have full power and authority, on behalf of the corporation, to make inſurances upon veſſels, freights, money, and on all goods, wares and merchandizes, and to fix premiums for the ſame; and all policies of inſurance by them made, ſhall be ſubſcribed by the preſident or aſſiſtants of the marine inſurance company of New-York, and counterſigned by the ſecretary, and ſhall be binding and obligatory upon the ſaid corporation in like manner, and with the like force and effect, as
17 if under the ſeal of the ſaid incorporation; and the preſident, with conſent of either of his aſſiſtants, or the aſſiſtants, in the abſence of the preſident, ſhall take ſuch notes for premiums, the the ſame being indorſed, and at ſuch terms of payment as they ſhall deem good and ſufficient, and as ſhall be agreeable to the bye
18 laws in ſuch caſe made; *Provided always*, That no money on loſſes ariſing under any policy, ſo ſubſcribed, ſhall be paid, but with the approbation of at leaſt four of the directors, with the preſident and his aſſiſtants, or a majority of them, having firſt made a board for that purpoſe, and for this object, the preſident, or in his abſence the two aſſiſtants, one acting as preſident, ſhall be empowered to call together any four of the directors in rotation, if poſſible, and by plurality of voices may pay, ſettle and adjuſt all ſuch loſſes, or other monied tranſactions as may come before them, and the ſame ſhall be binding on the corporation.

19 IX. *And be it further enacted*, That there ſhall be two ſtated general meetings of the directors every year, to wit: On the ſecond Tueſdays of May and November, at which periods they ſhall examine the accounts and make a dividend of ſo much of the profits of the ſaid corporation, as to them, or a majority of them, ſhall appear adviſeable; but the monies received, and notes taken for premiums on riſks, which ſhall be undetermined and outſtanding at the time of making ſuch dividends, ſhall not be conſidered as part of the profits of the corporation; and in caſe of any loſs or loſſes whereby the capital ſtock of the corporation ſhall be leſſened, no ſubſequent dividend ſhall be made, until a ſum equal to

ſuch diminution, and ariſing from the profits of the corporation ſhall have been added to the capital; and that once in every three 20
years the directors ſhall lay before the ſtockholders, at a general meeting, for their information, an exact and particular ſtatement of the ſurplus of profits, if any there be, after deducting loſſes and dividends.

X. *And be it further enacted*, That the lands, tenements and 21
hereditaments which it ſhall be lawful for the ſaid corporation to hold, ſhall be only ſuch as ſhall be requiſite for its immediate accommodation, in relation to the convenient tranſaction of buſineſs, or ſuch as ſhall have been *bona fide* mortgaged to the ſaid corporation by way of ſecurity, or which may be conveyed to it in ſatisfaction of debts previouſly contracted in the courſe of its dealings, or purchaſed at ſales upon judgments which it ſhall have obtained for ſuch debts; and with regard to all ſuch lands, tenements and hereditaments ſo to be held by the ſaid corporation as aforeſaid, except ſuch as may be for its immediate accommodation as aforeſaid, or ſuch as it may hold by way of mortgage, and whereof the actual poſſeſſion ſhall be and remain in the mortgagors, their heirs or aſſigns, the ſaid corporation ſhall be bound to ſell and diſpoſe of the ſame reſpectively within five years after it ſhall acquire the ſame, and ſhall not be capable of holding the ſame after the expiration of the ſaid five years, but the ſame ſhall immediately after the expiration of the ſaid five years be forfeited to and veſted in the people of this ſtate.

XI. *And be it further enacted*, That the ſaid corporation ſhall 22
not directly or indirectly, deal or trade in buying or ſelling any goods, wares or merchandizes or commodities whatſoever, or in buying or ſelling any ſtock created by any act of congreſs of the United States, or of any particular ſtate, unleſs by purchaſing for the purpoſe of inveſting its capital ſtock, or any part or parts thereof in the ſame, for the greater ſecurity, or by ſelling for the payment of its debts, or when ſuch ſtock ſhall be truly pledged to it by way of ſecurity for debts due the ſaid corporation; *And fur-* 23
ther, It ſhall not be lawful for the ſaid corporation to iſſue or emit any notes or bills, or make any contract for the payment of money only, except the ſame be under the ſeal of the ſaid corporation, and all ſuch notes, bills and contracts ſhall be conſtrued and taken to be ſpecialties, and ſhall not poſſeſs any other or greater power of being aſſigned or transferred than ſpecialties at common law.

XII. *And be it further enacted*, That no transferred ſhare ſhall 24
entitle the perſon to whom it may be transferred, to a vote until the expiration of ninety days after ſuch transfer.

XIII. *And be it further enacted*, That no perſon, being either 25
ſingly by himſelf, or as a partner with one or more perſons, a member of any other maritime inſurance company in the city of New-York, ſhall be eligible for a director of this inſurance company.

XIV. *And be it further enacted*, That this act ſhall be and is hereby declared to be a public act, and that the ſame be, for the

time herein before limited, conſtrued in all courts and places, benignly and favourably for every beneficial purpoſe therein intended.

26 XV. *And be it further enacted*, That in reſpect to all debts contracted by the ſaid corporation before the firſt day of March, which will be in the year of our Lord one thouſand eight hundred and fourteen, the perſons compoſing the ſaid corporation, at the time of its diſſolution, ſhall be reſponſible in their individual and private capacity to the extent of their reſpective ſhares and no farther, in any ſuit or action to be brought after the diſſolution of the ſaid corporation.

WASHINGTON MUTUAL ASSURANCE.

CHAP. LXVII.

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An ACT *to incorporate the Washington Mutual Assurance Company of the City of New-York.*

Paſſed March 30th, 1802.

1 WHEREAS Henry Rutgers, Hugh Gaine, Cornelius C. Roſevelt, John Rathbone, John Gamage, John Bogert, Ahaſuerus Turk, Abraham Ruſſel, William Houſton, John Hyſlop, William G. Miller, Iſaac Mead, James Ronalds, Joſhua Barker, Thomas Storm, Jacob Le Roy, John Onderdonk and William Lupton, aſſociated with others, as a company, under the ſtyle o

the "Washington Mutual Assurance Company of the city of New-York," for the useful purpose of promoting the safety and insurance of houses and other buildings from loss by fire, by their petition, presented to the legislature, have prayed to be incorporated, the better to enable them to carry into effect the salutary object of their institution: Therefore,

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly*, That all such persons as now are, or 2
hereafter shall be, members of the said company, shall be, and hereby are ordained, constituted and declared to be, a body corporate and politic, in fact and in name, by the name of the "Washington Mutual Assurance Company of the city of New-York;" and that by that name they and their successors, shall and may have succession during the continuance of this act; and shall be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors may have a common seal, and may change and alter the same at pleasure; and also that they and their successors, by the name of the "Washington Mutual Assurance Company of the city of New-York," shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of the said corporation: *Provided*, 3
That the lands, tenements and hereditaments, which it shall be lawful for the said corporation to hold, shall be only such as shall be requisite for the purpose of erecting buildings thereon, in which to meet and transact the business of the said corporation, or such as shall have been *bona fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its business, or purchased at sales on judgments which shall have been obtained for such debts; and with regard to all such lands, tenements and hereditaments so to be held by the said corporation as aforesaid, except such as may be for its immediate accommodation as aforesaid, or such as it may hold by way of mortgage, and whereof the actual possession shall be and remain in the mortgagors, their heirs or assigns; the said corporation shall be bound to sell and dispose of the same respectively within five years after it shall acquire the same, and shall not be capable of holding the same after the expiration of the said five years.

II. *And be it further enacted*, That the said corporation shall 4
not directly or indirectly deal or trade in buying or selling any goods or commodities whatsoever, or in buying or selling any stock created by any act of the congress of the United States or of any particular state, unless by purchasing for the purpose of investing its capital stock, or any part thereof in the same, for the greater security, or by selling for the payment of its debts, or when such stock shall have been truly pledged to it by way of security of debts to the corporation, or for the re-payment of their deposits.

5 III. *And be it further enacted*, That it ſhall not be lawful for the preſident or a director of any other inſurance company of the city of New-York, engaged in inſuring houſes and ſtores againſt loſs by fire, to be preſident or director of the company incorporated by this act.

6 IV. *And be it further enacted*, That all perſons who now are members of the ſaid company, or ſhall at any time hereafter, inſure, in or with the ſaid company, or be allowed ſo to do, ſhall 7 be deemed and taken for members of the ſaid corporation; and that the property and concerns of the ſaid corporation ſhall be managed and conducted by eighteen directors, to be choſen by 8 ballot by and from among the members; that the ſeveral perſons who now are directors for the ſaid company, ſhall be directors of the ſaid corporation, and ſhall continue in office for the periods 9 for which they were reſpectively elected, and that the election for directors ſhall be held on the ſecond Tueſday in June in every year, in the city of New-York, between the hours of ten in the forenoon and two in the afternoon, at ſuch place as a majority of the directors, for the time being, ſhall appoint; and public notice ſhall be given by the ſaid directors in two of the newſpapers printed in the ſaid city, of ſuch time and place, not more than fourteen days, nor leſs than ſeven days previous to the time 10 of holding the ſaid election; that after the next election, one third part of the directors ſo elected, ſhall by an annual rotation go out of office, and ſix others ſhall in each ſucceeding year be elected in the ſtead of ſuch directors going out of office, which rotation ſhall upon the ſaid firſt election, be determined among the directors by lot, at ſuch place within the city of New-York, as the 11 directors for the time being, ſhall think proper to appoint, and if any of the ſaid directors ſhall remove from the city of New-York, die, or refuſe, or neglect to act in their ſaid office, for and during the ſpace of ſix calendar months ſucceſſively, then, and in every ſuch caſe, another director ſhall and may be choſen by ballot, in the place of each director ſo removing, dying, refuſing or neglecting to act as aforeſaid, by a majority of the directors, or ſuch of them as ſhall be preſent at the next monthly meeting of the corporation, after ſuch vacancy ſhall ſo happen, which perſon ſo ap- 12 pointed ſhall be a director until the next general election: and in caſe it ſhould happen that an election of directors ſhould not be held on any day, when purſuant to this act it ought to have been made, the ſaid corporation ſhall not for that cauſe be deemed to be diſſolved; but it ſhall and may be lawful on any other day, to hold an election of directors, in ſuch manner as the bye laws of the ſaid corporation ſhall have preſcribed.

13 V. *And be it further enacted*, That the directors ſhall not take or receive any compenſation for their ſervices as directors; and no perſon ſerving the corporation in the way of his trade or occupation, or being a debtor to the ſame, excepting on a policy of inſurance, ſhall be choſen or qualified to ſerve as director of the ſaid company.

VI. *And be it further enacted*, That the directors for the time 14
being, or a major part of them, shall have power to make and prescribe such bye laws, rules and regulations, as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said corporation, and touching the duties and conduct of the officers of the said corporation, and touching all such other matters as appertain to the business, ends and purposes which the said corporation is by this act entitled to; and also shall have power to appoint so many officers, clerks and servants, for carrying on the business of the said corporation, and with such allowances as to them shall seem meet; *Provided*, That such bye laws, rules and regulations, be not repugnant to the constitution and laws of the United States or of this state.

VII. *And be it further enacted*, That the directors shall meet on 15
the fourth Wednesday in every month and oftener, if need be; and that there shall be a general meeting of the members of the said corporation, on the second Tuesday in January in every year, if any twelve of the directors, or any number of members insured to the value of twenty-five thousand dollars, or upwards, shall require the same; that the directors shall cause notice to be given in two or more of the public newspapers, printed in the city of New-York, not more than fourteen days, nor less than seven days
previous to the day of meeting; and at least thirty-six members 16
of the said corporation shall be required to form a quorum; and all meetings of the directors, and of the members, shall be held in such place and conducted in such manner as shall be, from time to time, prescribed by the bye laws of the said corporation; and it shall be lawful for the members at any such meeting to 17
make or alter the bye laws, rules and regulations, which by this act are authorised to be made and prescribed by the directors; *Provided*, Two thirds of the members present concur therein; and the same shall not be altered or repealed but at a general meeting of the members.

VIII. *And be it further enacted*, That at the first meeting of 18
the directors in every year, next after the said annual election on the second Tuesday in June, they shall choose from among themselves one person to be president, who shall continue in that office for one year, and until another shall be appointed in his stead; and it shall be the duty of the president to preside at all meetings of the directors, and all polices of assurance of the said corporation, shall be signed by the president, and counter-signed by a secretary or clerk, and sealed with the seal of the said corporation; and the said corporation may insure from loss by fire, 19
houses, stores and other buildings, and all polices of assurance which shall be made by the said corporation, in pursuance of this act, shall be made upon such terms and conditions, and for such periods of time and confined to such places, as shall be, from time to time, ordained and prescribed by the bye laws, rules and regulations of the said corporation; and that until it shall be otherwise ordained and prescribed, they shall be made upon the

ſame terms and conditions, and for the ſame periods of time, and confined to the ſame places, as ſhall be, from time to time, ordained by the board of directors ſo far as the ſame are conſiſtent with the regulations of this act.

20 IX. *And be it further enacted*, That no transfer of any policy of aſſurance of the ſaid corporation ſhall be valid, until entered in the books of the company, and certified thereon by the ſecretary.

X. *And be it further enacted*, That this act be, and hereby is declared to be a public act, and that the ſame be conſtrued in all courts and places, benignly and favourably, for every beneficial purpoſe therein intended.

21 XI. *And be it further enacted*, That it ſhall not be lawful for the ſaid corporation to iſſue or emit any notes or bills, or make any contract for the payment of money only, except the ſame be under the ſeal of the ſaid corporation, and all ſuch notes, bills and contracts, ſhall be conſtrued and taken to be ſpecialties, and ſhall not poſſeſs any other or greater power of being aſſigned or transferred, than ſpecialties at common law.

22 XII. *And be it further enacted*, That this act ſhall continue and be in force until the firſt day of March, one thouſand eight hundred and twenty-five, and no longer.

FEMALE
Charitable Society.

CHAP. XCIX.

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5. Vacancies in the Board of Direction, how ſupplied.

An ACT *to incorporate the Society for the Relief of Poor Widows with ſmall Children.*

Paſſed April 2d, 1802.

WHEREAS a number of ladies in the city of New-York, have aſſociated for the humane purpoſe of relieving the diſtreſſes of poor widows with ſmall children, and by their peti-

tion, prefented to the legiflature, have prayed to be incorporated: Therefore,

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly*, That all fuch perfons of the female fex, as 1
now are, or hereafter fhall be annual fubfcribers to the faid affociation, fhall be and hereby are conftituted a body corporate, by the name of "The Society for the Relief of poor Widows with fmall Children;" and by that name, fhall have perpetual fucceffion, and be in law capable of fuing and being fued, defending and being defended in all courts and places whatfoever, and in all manner of actions and caufes whatfoever; and may have a common feal, and change the fame at their pleafure; and fhall by that name be capable in law, of purchafing, holding and conveying any eftate, real or perfonal, for the ufe of the faid corporation: *Provided*, That 2
fuch eftate fhall never exceed in value fifty thoufand dollars, nor be applied to any other purpofes than the charitable one for which this incorporation is formed.

II. *And be it further enacted*, That the eftate and concerns of 3
the faid corporation fhall be managed and difpofed of by a "Board of Direction," to be compofed of a firft and fecond directrefs, a fecretary, a treafurer, and not lefs than fix, nor more than twelve
managers, (two thirds of whom fhall be a quorum) to be elected 4
by plurality of ballots of the members refident in the city of New-York, yearly, on the fecond Wednefday of November, at fuch place in the faid city, and after fuch notice as the board of direction may, from time to time, by ordinance appoint; and if any vacancy fhall 5
be occafioned by the death, refignation or removal of a directrefs, fecretary, treafurer or manager, the fame fhall be filled for the remainder of the year by a fpecial election, by a ballot as aforefaid, to be holden at fuch time and place in the faid city, as the board of direction fhall appoint; and until the election on the firft Wednef- 6
day of November next, Ifabella Graham, fhall be firft directrefs, Catharine Wilkinfon, fecond directrefs, Jane Harrifon, fecretary, Sarah Goold, treafurer, and Sarah Mills, Sarah Hoffman, Eliza Ann Seton, Mary Hofack, Helden Rogers, Sufan Bogert, Frances Burrell, Ann Pierce, Mary Wyckoff, Ifabella Smith, Mary Watts and Mary Murray, managers.

III. *And be it further enacted*, That if the annual election fhall 7
not be made on the ftated day, the corporation fhall not thereby be diffolved, but the members of the board of direction fhall continue in office till a new election, which fhall be made at fuch time and place, and after fuch notice as the board of direction fhall prefcribe.

IV. *And be it further enacted*, That the board of direction fhall, 8
at leaft, at every yearly election, exhibit to the members of the faid corporation, an exact account of the receipts and difburfements of the preceding year.

V. *And be it further enacted*, That the board of direction may 9
from time to time make bye laws and ordinances relative to the management and difpofition of the eftate and concerns of the faid corporation, and the regulation of the perfons exercifing the offices aforefaid, not contrary to law.

10 VI. *And be it further enacted*, That the huſband of any married woman, who is or may be a member or officer of the ſaid corporation, ſhall not be liable to the ſaid corporation for any loſs occaſioned by the neglect or misfeaſance of his wife, or upon any ſubſcription or engagement of his wife; but if he ſhall have received any money from his wife, belonging to the ſaid corporation, or the ſame ſhall have been applied to his uſe, he ſhall be ac-
11 countable therefor; and if the huſband's goods ſhall be attached, or if he ſhall become inſolvent, ſuch money, if received after the paſſing of this act, ſhall be paid by the truſtees or aſſignees of his eſtate, in preference to all other debts.

12 VII. *And be it further enacted*, That this act ſhall continue and be in force until the firſt day of March, one thouſand eight hundred and ten, and no longer.

Surrogates.

CHAP. CX.

Contents.

1. Guardians, choſen by Infants of 14 years, Surrogates to allow.
2. ——— Surrogates to appoint for Infants under that age.
3. ——— To give bond, in ſuch ſum as the Surrogate requires.
4. Perſons conceiving themſelves aggrieved may apply to the Chancellor for relief.
5. Surrogates' Fees, for ſervices under this Act.

An ACT *authoriſing Surrogates to appoint Guardians for Infants.*

Paſſed April 5th, 1802.

I. BE *it enacted by the People of the State of New-York, repreſent-*
1 *ed in Senate and Aſſembly*, That it ſhall and may be lawful for the ſurrogates of the reſpective counties of this ſtate, to allow of guardians who ſhall be choſen by infants of the age of
2 fourteen years, and to appoint guardians for ſuch as ſhall be within that age, in as full and ample manner as the chancellor of this
3 ſtate may or can appoint or allow of the ſame; and upon ſuch allowance or appointment, ſuch ſurrogate ſhall require from every ſuch guardian ſo allowed or appointed, a bond, executed to ſuch infant, in ſuch penalty as ſuch ſurrogate ſhall direct, not leſs than the value of the perſonal eſtate and the value of the rents and profits of the real eſtate of ſuch infant, during his or her minority, with ſufficient ſurety, conditioned that ſuch guardian ſhall faithfully in all things, diſcharge the duty of a guardian to ſuch infant, according to the laws of this ſtate, and render a true and juſt account of ſuch guardianſhip before any court hav-
4 ing cognizance thereof when thereunto required: *Provided always*, That in caſe any perſon intereſted in the appointment or allowance of a guardian, as next of kin or otherwiſe, ſhall con-

ceive himself aggrieved thereby, it shall be lawful for any such person, within six months thereafter, to apply by petition, to the chancellor of this state for relief in the premises, who shall take such order for notifying the adverse party and for correcting any such proceedings as aforesaid, as he may deem equitable and just.

II. *And be it further enacted*, That the said surrogates shall be 5
entitled to receive for services performed by virtue of this act, the following fees, to wit: For every allowance or appointment of a guardian, one dollar and fifty cents; for every such bond, to be executed as aforesaid, fifty cents, and for all drafts and other services, to be performed in the premises, the same as are by law allowed such surrogates for the like duties in similar cases.

Jury Districts,

IN THE COUNTY OF CHENANGO.

CHAP. CXXI.

CONTENTS.

1. Judges and assistant Justices, may divide the said County into two Jury Districts.
2. Jury Boxes, four, to be provided by the County Clerk.
4. Jurors for the Trial of Issues, from which Box to be taken.
3. Slips of Paper, containing the names of Jurors, Clerk's duty respecting.

An ACT *to divide the County of Chenango into Jury Districts.*

Passed April 5th, 1802.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the judges and assis- 1
tant justices in the county of Chenango, may in their discretion, at their next term of the court of common pleas, to be held in and for the said county, on the first Tuesday of July next, divide the said county into two districts, as nearly equal as may be convenient, and shall cause the said division to be entered on the minutes of the court, which entry shall designate each of said districts.

II. *And be it further enacted*, That the clerk of said county shall 2
immediately after the division of the said county, in manner as aforesaid, provide four jury boxes for said county, and shall mark on two of said boxes the name of one of the said districts, and on the remaining boxes the name of the other of the said districts; and it shall be the duty of the said clerk to put the slips of paper 3
containing the names of persons residing in each of the said districts, who are or shall be returned to him, in pursuance of the act, entitled "An act for regulating trials of issues, and for returning able and sufficient Jurors," into one of the boxes belonging to the district in which such persons shall severally reside.

III. *And be it further enacted*, That jurors for the trial of issues in the circuit court, court of oyer and terminer and gaol delive-

ry, and court of common pleas and general ſeſſions of the peace, to be held in and for ſaid county of Chenango, at any time after the firſt Tueſday of July next, ſhall be taken from one of the jury boxes belonging to the diſtrict in which either of the ſaid courts is then next to be held, in the manner directed in and by the act herein recited, and as if each of the ſaid diſtricts were ſeparate and diſtinct counties; any thing in the ſaid act to the contrary notwithſtanding.

Bog-Meadows.

IN CORNWALL.

CHAP. CIX.

CONTENTS.

1. A certain Bog-Meadow, the Proprietors conceive will be rendered fit for cultivation by draining.
3, 5. A Sum of Money to be raiſed to effect this object.
4. Commiſſioners, their duty in reſpect to draining ſaid Meadow.
12. ——— May leaſe Lots of delinquent Proprietors.
13. ——— Where Ditches muſt be carried over adjoining lands, to agree with the Owner.
14. ——— If they cannot agree, Appraiſers to be appointed.
15. ——— On accepting the appraiſement & paying the amount, may direct Ditches to be cut.
2. Inſpectors, to determine the quantity of land of each Owner.
10. Line Ditches, Proprietors wiſhing to have made, how to proceed for that purpoſe.
11. ——— How wide and deep to be cut.
6. Proprietors, annually to pay to the Treaſurer a certain Sum.
5, 8. ——— How proceeded againſt, for neglect of Payment.
7. Treaſurer, to be choſen at the annual meeting of Proprietors.
9. ——— Annually to render an Account to the Proprietors.

An ACT *making Proviſion for draining a certain Tract of Swamp and Bog-Meadow, in the Town of Cornwall, in the County of Orange.*

Paſſed April 5th, 1802.

1 WHEREAS there is a certain tract of ſwamp and bog-meadow, in the town of Cornwall, in the county of Orange, owned by David Jennings, Joſeph Jones, William Edmunton, Benjamin Woodruff, Vincent Helmes and others, inhabitants of the ſaid town, which is ſo far overflowed or drowned, as to render the ſame unfit for agricultural purpoſes; *And whereas*, The ſaid proprietors of the ſaid ſwamp and bog-meadow, conceive the ſame may be made fit for the culture of hemp, mowing and paſturage: Therefore,

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Seth Marvin, Jonathan Brooks and 2
John D. Nicholl, or any two of them, or the ſurvivors or ſurvivior of them, ſhall be inſpectors to finally ſettle and determine the number of acres of ſwamp and bog-meadow, belonging to each proprietor or occupant in ſaid tract, which may in their opinion be benefitted by draining or ditching the ſame, which ſettlement and determination ſhall be delivered in writing to the treaſurer, hereafter to be choſen by virtue of this act.

II. *And be it further enacted*, That for the purpoſe of draining 3
the ſaid ſwamp and bog-meadow, a ſum not exceeding four hundred dollars, ſhall be paid by the proprietors and occupants thereof, in proportion to the number of acres they ſhall reſpectively own and poſſeſs, and that will be benefitted thereby, as ſettled by ſaid inſpectors; and which ſum ſhall be paid to Leonard Nicoll,
Nathan White and William Moffat, commiſſioners, to be by them 4
applied in paying all incidental charges that ſhall ariſe in or about the buſineſs of draining ſaid ſwamp or bog-meadow, in ſuch manner as they, or a majority of them may think proper, by cutting or cauſing to be cut, one or more main ditch or ditches, in ſuch manner and in ſuch direction, as to the ſaid commiſſioners, or a majority of them, ſhall appear beſt calculated to carry the deſign of this act into effect.

III. *And be it further enacted*, That each proprietor or occu- 5
pant, ſhall within three months after the ſaid inſpectors have ſettled and determined the reſpective proportions of the ſaid ſum, not exceeding four hundred dollars as aforeſaid, pay the ſame to the ſaid commiſſioners or either of them, and in default thereof, it ſhall be lawful for the ſaid commiſſioners, or the ſurvivors of them to recover the ſame, by due courſe of law, with intereſt and coſts of ſuit.

IV. *And be it further enacted*, That for the defraying the ex- 6
pence of clearing and ſcouring ſuch main ditch or ditches as ſhall be made by the direction of the ſaid commiſſioners, for draining ſaid ſwamp or bog-meadow, the proprietors or occupants thereof, for the time being, ſhall, for every acre, as ſettled by the ſaid inſpectors, pay ſuch ſum annually, not exceeding three cents, if a majority of them at their annual meeting ſhall think proper, to be computed from the firſt day of January, one thouſand eight hundred and five, on or before the firſt day of May, in every year thereafter, to the treaſurer, to be choſen annually by a majority of ſaid 7
proprietors, who ſhall meet on the firſt Monday in January for that purpoſe, at the dwelling houſe of William Edmunton, one of the ſaid proprietors; and in caſe any proprietor or occupant ſhall 8
neglect to pay annually on the firſt day of May, ſuch ſum, not exceeding three cents per acre, as ſettled by the ſaid inſpectors as aforeſaid, the treaſurer for the time being may ſue for and recover the ſame, before any juſtice of the peace in the ſaid county, with intereſt and coſts of ſuit; which treaſurer ſhall apply the money, or ſuch part thereof as he may deem neceſſary, to clearing and ſcouring ſaid ditch or ditches; who ſhall alſo render an account 9

of the expenditure of ſaid monies, to the ſaid proprietors or occupants ſo met as aforeſaid, and the monies, if any, the papers and accounts reſpecting ſaid ſwamp or bog-meadow, he ſhall then deliver to the treaſurer who may be choſen to ſucceed him.

10 V. *And be it further enacted*, That any proprietor or occupant who ſhall be deſirous of having one or more line ditch or ditches made, ſhall give at leaſt thirty days notice of his or her intention, to the perſon or perſons owning or poſſeſſing the part or parts adjoining; and if after ſuch notice, any perſon or perſons ſhall neglect or refuſe to make one equal half part of ſuch line ditch or ditches, the perſon ſo giving notice may proceed to dig ſuch ditch or ditches, and may ſue the other party or parties reſpectively, for the one half of the expence thereof, before any juſtice of the peace of ſaid county, and receive the ſame with intereſt and coſts of ſuit.

11 VI. *And be it further enacted*, That all line ditches as aforeſaid ſhall be cut four feet wide, and two and an half feet deep, unleſs the parties ſhall otherwiſe determine and agree.

12 VII. *And be it further enacted*, That the commiſſioners aforeſaid are hereby authoriſed to diſpoſe of at public auction for a term not exceeding ten years, giving at leaſt ſix months previous notice thereof by advertiſement inſerted in one of the public newſpapers of ſaid county, any lot or lots contained in ſaid ſwamp or bog-meadow, the owner or owners thereof neglecting or refuſing to pay the ſame ſum or ſums aſſeſſed thereon by the ſaid inſpectors, and give a leaſe or leaſes for the ſame to any perſon or perſons who may purchaſe ſaid lot or lots.

13 VIII. *And be it further enacted*, That in caſe the ſaid commiſſioners ſhall find it neceſſary to continue ſuch ditch or ditches over lands adjoining the ſaid tract of ſwamp or bog-meadow aforeſaid, for the purpoſe of draining the ſame more effectually, the commiſſioners aforeſaid are hereby authoriſed to agree and ſettle with the owner or owners of ſaid lands for ſuch damages as is likely, in their opinion, to be ſuſtained, by ſuch owner or owners in conſequence of the ditch or ditches they ſhall make for draining the ſaid ſwamp or bog-meadow, and pay ſuch ſum or ſums as ſhall be agreed on, out of the ſaid ſum of four hundred dollars or ſuch other ſum as ſhall be raiſed for the purpoſe of ditching
14 ſaid ſwamp or bog-meadow; and if they do not agree as aforeſaid, on application by the ſaid commiſſioners for that purpoſe, the judges of the court of common pleas of ſaid county (not intereſted in the premiſes or a majority of them, are hereby authoriſed to appoint three reputable freeholders in the ſaid county, not intereſted in the ſaid lands, to appraiſe and aſcertain what damage, if any, the owner or owners of ſuch lands may probably ſuſtain by means of ditching or draining ſaid ſwamp or bog-mea-
15 dow; and if the ſaid commiſſioners, or a majority of them, ſhall judge proper to pay ſuch appraiſement to the owner or owners, they may, upon payment of the ſame, proceed to cut, or direct the cutting ſuch ditch or ditches, as ſaid commiſſioners may deem proper and neceſſary, any law to the contrary notwithſtanding.

IN NEW-WINDSOR.

CHAP. XXVI.

CONTENTS.

Proprietors to pay an additional Sum of Money.

An ACT *supplementary to the Act making Provision for Draining a certain Tract of Swamp and Bog-Meadow, known by the Name of the Beaver-Dam, in the Town of New-Windsor, in the County of Orange.*

Passed March 8th, 1802.

WHEREAS the commissioners appointed in and by the said act, have by their memorial presented to the legislature, represented that an additional sum, not exceeding four hundred dollars, is necessary for the completion of the object contemplated in the said act: Therefore,

1. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for the persons empowered in and by the said act, for raising a sum of four hundred dollars on the proprietors of the said tract, to demand and receive from the said proprietors, in the manner and for the purposes in the said act prescribed, an additional sum not exceeding four hundred dollars.

Public Lands.

IN THE ONEIDA RESERVATION.

CHAP. XXXVI.

CONTENTS.

1. Surveyor-General, to execute Conveyances to certain persons for the Lands they have made proposals for.
3. Application for conveyances, to be made within twelve months.
2. Mortgages, to be taken on said Lands for security.
4. Oneida Reservation, certain Lines of, to be surveyed.

An ACT *supplementary to the Act, entitled "An Act for the Sale of Lands in the Oneida Reservation to Persons therein named, passed April 8th,* 1800."

Passed March 16th, 1802.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for the surveyor general to execute conveyances, on behalf of the people of this state, to the several persons named in the said recited act, for such lands as they have made proposals in pursuance

of the ſame act, to purchaſe of the ſtate, and for ſuch price as the ſaid ſurveyor general has, in his report to the legiſlature, eſtimated the ſame to be worth, payable at the expiration of eight years, with intereſt thereon, at ſix per cent per annum, to be paid an-
2 nually; the ſame conveyances to be made and mortgages taken on the land contained therein, as near as may be conformably to the directions of the act, entitled "An act for the better ſupport of the Oneida, Onondaga and Cayuga Indians, and for other pur-
3 poſes therein mentioned," paſſed April 9th, 1795: *Provided*, That application be made to the ſaid ſurveyor general for the conveyances aforeſaid, within twelve months, from and after the paſſ-
4 ing of this act; *And provided further*, That the ſaid ſurveyor general ſhall previouſly cauſe any line or lines of the Oneida reſervation contiguous to the ſaid lands that have not been aſcertained, to be firſt run and ſurveyed.

IN HANNIBAL AND SALINA.

CHAP. LXXXVIII.

CONTENTS.

The Time for executing Deeds to certain Purchaſers of Lots, and for the Payment of the purchaſe Money by them, extended to 1ſt October next.

An ACT *further to extend the Time for the Payment of the purchase Money, for certain Lots of Land in the Town of Hannibal, and in the Village of Salina, and for other Purposes.*

Paſſed April 1ſt, 1802.

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the time limited by the act, paſſed the 1ſt of April, 1800, entitled "An act to amend an act entitled "An act concerning the Salt ſprings, in the county of Onondaga," paſſed the 30th of March, one thouſand ſeven hundred and ninety-eight, and to amend an act for laying out part of lot number one, in the county of Onondaga into lots, and for other purpoſes therein mentioned, paſſed the 3d day of April, one thouſand ſeven hundred and ninety-ſeven, authoriſing the ſurveyor-general to execute deeds of conveyance, to certain purchaſers of lots in the town of Hannibal, and in the village of Salina, in the county aforeſaid, and directing ſuch purchaſers to pay the purchaſe money to the ſaid ſurveyor general, ſhall be and the ſame is hereby extended to the firſt day of October next, for the purpoſes aforeſaid, upon the terms and conditions in the ſaid recited acts preſcribed.

A GRANT TO THE UNIVERSITY.

CHAP. CV.

Contents.

1. Lands, adjoining Lake-George, vested in the Regents of the University.
2. Former Grant, so far as it included Lands not herein described, void.
3. Regents authorised to grant certain Lands to Columbia and Union Colleges.

An ACT *to amend the Act, entitled "An Act for the Encouragement of Literature."*

Passed April 3d, 1802.

WHEREAS it appears from a report of the surveyor-general, that the grant of a certain tract of land in the county of Washington, adjoining the south end of Lake-George, to the regents of the university, in and by the act, entitled "An act for the further encouragement of literature," interferes with the bounds of lands previously granted; and the regents having prayed for a grant of other lands adjoining the same, and in lieu thereof, to enable them the more effectually to fulfil the purposes for which the grant of those lands was intended: Therefore,

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the said regents of the university, and 1
their successors, shall be and hereby are vested with the seisin and possession of the lands hereafter described, belonging to the people of this state; that is to say, a certain tract of land in the county of Washington, adjoining the south end of Lake-George, beginning on the east shore of the said lake, where the westerly bounds of a tract of two thousand acres granted by letters patent to William Houghton strikes the same, and running thence along the said Houghton's tract southerly and westerly to the northwest corner thereof, then with a straight line to the most westerly corner of a tract of two hundred acres granted by letters patent to John Jones, then along the southerly bounds thereof to Lake-George, and then along the same southerly, easterly and northerly, to the place of beginning, containing one thousand seven hundred and twenty-four acres of land; and the former grant to the said re- 2
gents, so far as the same included lands not herein described, shall be void.

II. *And be it further enacted*, That it shall be lawful for the said 3
regents to grant and convey to the trustees of Columbia and Union colleges, and their successors, the lands above described, together with the lands at Ticonderoga and Crown-Point already vested in the said regents, in such proportions, as they shall deem just and reasonable, for the use of the said colleges respectively.

UNAPPROPRIATED LANDS.

CHAP. CXII.

Contents.

1. Commiſſioners of the Land Office, to direct the ſurvey of certain Lands.
8. Forfeited Lands, perſons in poſſeſſion of, may purchaſe.
18. Intruſions on Lands of the State, duty of the Attorney General, Diſtrict Attorney and Grand Jurors reſpecting.
14. Lands, to be ſurveyed and granted to certain Oneida Indians.
15. ——— Not to be aliened by them.
6. Reſervation Lands, perſons in poſſeſſion of, may purchaſe.
10. Roads, Monies received for certain Taxes appropriated for opening and repairing.
11, 13. Commiſſioners appointed to apply ſaid Monies.
12. ——— Monies to be paid them by the Treaſurer.
2. Surveyor-General, his duty in reſpect to the ſurvey and price of certain Lands.
4. ——— His duty, where improvements are made on Lands.
9. ——— Monies to be paid him to enable him to execute this act.
16. ——— To convey a lot of land to Joſeph Forbes, on condition.
17. ——— To aſcertain the value of Lot No. 1, in Milton.
5, 7. ——— To fix the price of certain Lots in the Reſervations.
3. ——— To make a report in the premiſes to the Legiſlature.

An ACT *relative to the unappropriated Lands of this State, to prevent Intrusions, and for other Purposes.*

Paſſed April 5th, 1802.

I. BE *it enacted by the People of the State of New-York, repre-*
1 *ſented in Senate and Assembly,* That the commiſſioners of the land-office ſhall, from time to time, direct the ſurveyor-general to make ſurveys of ſuch tracts of the lands belonging to this ſtate, not reſerved for or appropriated to ſpecial purpoſes, as they may deem beſt for promoting the ſettlement thereof, whereupon
2 it ſhall be the duty of the ſurveyor-general to cauſe the lands ſo directed to be ſurveyed, to be run out and marked into lots of one hundred and ſixty acres each, as nearly as may be, and as nearly in ſquares as circumſtances will admit; and as often as any tract of land ſhall be ſo ſurveyed, the ſaid ſurveyor-general ſhall aſcertain and fix the price per acre of each lot in the tract
3 ſo ordered to be ſurveyed, and ſhall report the ſame, with maps of ſuch ſurveys, and a field book containing information relative to the quality and ſituation of ſuch lands to the legiſlature at their next meeting.

4 II. *And be it further enacted,* That if within any tract directed by the commiſſioners of the land-office to be ſurveyed as aforeſaid, there ſhall be any improvements, it ſhall be the duty of the ſurveyor-general, as far as a regular ſurvey will admit thereof, to cauſe a lot, not exceeding one hundred and ſixty acres, to be laid

out for and comprehending every ſuch improvement; *Provided*, The ſame ſhall have been made before the paſſing of this act, and be eſtimated to be of the value of ſixty dollars.

III. *And be it further enacted*, That the ſurveyor-general ſhall 5 aſcertain and fix the price of each of the lots in the ſeveral tracts, commonly called the Oneida, Onondaga and Cayuga reſervations, that have heretofore been directed to be expoſed to ſale and have not been diſpoſed of, and thereupon the perſon or perſons 6 in the poſſeſſion and improvement of any of the ſaid lands at the time of paſſing this act, ſhall be admitted to purchaſe ſuch lands at the valuation aforeſaid; *Provided*, The ſame ſhall be approved of by the legiſlature, and upon ſuch terms and conditions as ſhall be preſcribed by law; *Provided always*, That the price of any im- 7 proved land ſhall be aſcertained and fixed as aforeſaid, without regard to any improvement made thereon.

IV. *And be it further enacted*, That the foregoing proviſion in 8 favour of perſons in the poſſeſſion and improvement of lands, ſhall be and is hereby extended to lands forfeited to the people of this ſtate by the attainder or conviction of the proprietor thereof.

V. *And be it further enacted*, That it ſhall and may be lawful 9 for the treaſurer of this ſtate, upon the warrant of the comptroller, to pay to the ſaid ſurveyor-general ſuch ſum of money, not exceeding one thouſand dollars in the whole, as he may require, to enable him to execute this act; for the expenditure of which monies he ſhall account with the ſaid comptroller.

VI. *And be it further enacted*, That the monies aſſeſſed for taxes 10 on unſeated lands in the late town of Mexico, in the county of Oneida, in the year 1799 and 1800, over and above the ſum that would have been payable thereon, provided ſuch aſſeſſment had been made agreeably to the valuation completed under the authority of the United States, (ſuch exceſs being fifty per cent upon all tracts over one thouſand acres,) ſhall be and hereby are appropriated to the opening and improving ſuch great roads in the ſaid diſtrict of country as may be moſt conducive to the intereſt of the ſtate, and beneficial to the inhabitants, regard being had to the land on which ſuch aſſeſſment was made.

VII. *And be it further enacted*, That the commiſſioners here- 11 after named ſhall apply and expend the monies above appropriated in opening and improving the great road from Rome, through Weſtern and Redfield, and thence through the townſhip number ſeven, lying north of Redfield, and from thence through number one and number ſeven on Sandy-creek, making ſuch deviations as may be neceſſary for making the road better, and from thence opening the road by the beſt route to Baſon-harbour, at the mouth of Black-river, and for opening and improving ſuch other roads as the ſaid commiſſioners may deem moſt neceſſary and uſeful in the ſaid diſtrict of country, having reference to the principle of diſtribution aforeſaid.

VIII. *And be it further enacted*, That it ſhall and may be law- 12 ful for the treaſurer of the ſtate, on the warrant of the comptroller, to pay to the commiſſioners hereinafter named, the monies

above appropriated, as the same shall be in the treasury paid by the proprietors of the said lands.

13 IX. *And be it further enacted*, That Nathan Sage and Peter Colt, be, and they hereby are appointed commissioners for opening and repairing the roads above mentioned, who shall account with the comptroller for the expenditures of the monies they may receive in pursuance of this act, and for their services.

14 X. *And be it further enacted*, That it shall and may be lawful for the surveyor-general to survey and grant to Lewis Denney, Lewis Denney, jun. Martin Denney and Jonathan Denney, of the Oneida tribe of Indians, and their heirs, as tenants in common, three hundred and twenty acres of land, as soon as the treaty with the Oneida nation of Indians shall be completed for purchasing the same, beginning at the southwest corner of the land occupied by Myndert Whimple, and running thence westerly one mile along the road, and from thence northerly, easterly and southerly to the place of beginning, so as to make the said three hundred and twenty acres, on their paying into the treasury the sum of three hundred and twenty dollars: And it shall and may be lawful for the person administering the government of this state, his agent or agents in the treaty to be held with the Oneida nation of Indians, to make such stipulations as may be agreed on for granting to the said Lewis Denney, Lewis Denney, junior, Martin Denney and Jonathan Denney, three hundred and twenty acres of land adjoining and northward of the said first mentioned
15 three hundred and twenty acres: *Provided*, That said land shall not be aliened by said grantees.

16 XI. *And be it further enacted*, That it shall be lawful for the said surveyor-general to convey on behalf of the people of this state, to Joseph Forbes, such lot of land in the late Oneida reservation, as may be of equal quality with the land in general in said reservation, on his the said Joseph's first paying into the treasury of this state, one eighth part of the purchase money, and securing the residue, computing the price at three dollars and fifty-three cents per acre, by a mortgage on the premises, payable in eight years with an interest of six per cent per annum, to be paid annually thereon.

17 XII. *And be it further enacted*, That it shall be the duty of the said surveyor-general, to ascertain the value of lot number one, in the township of Milton, in the county of Cayuga, and report the same to the legislature at their next session, with the names of the residents on said lot.

18 XIII. *And be it further enacted*, That the attorney general and the several district attornies within their respective districts, shall file information against all such persons as shall be guilty of trespass or intrusion on, or be found in the possession of any lands belonging to the people of this state, as are or shall be set apart by law for special purposes; and it is hereby made the special duty of grand jurors to enquire into and present, and of the attorney general and of the several district attornies, within their respective districts, to use the utmost diligence to discover and prosecute offenders in the premises.

Quit Rents.

CHAP. CXIV.

Contents.

The Time limited for the Remiſſion and Commutation of Quit-Rents, extended to 1ſt November next.

An ACT *to extend the Time for the Remission and Commutation of certain Quit Rents.*

Paſſed April 5th, 1802.

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the time limited by the third ſection of the act, entitled "An act concerning quit-rents," paſſed the 8th day of April, 1801, for the remiſſion and commutation of quit rents in certain caſes therein mentioned, ſhall be and the ſame is hereby extended to the firſt day of November next, upon the terms and conditions preſcribed in and by the ſaid ſection of the act aforeſaid.

Treaties.

St. REGIS INDIANS.

CHAP. XXXIII.

Contents.

1. Gov. and Surveyor-Gen. authoriſed to treat with the St. Regis Indians for the extinguiſhment of claims to certain Lands.
2. Or they may purchaſe ſaid lands of the Patentees.
3. To report to the Legiſlature, if they cannot be purchaſed.
4. Parts of the act hereby amended, repealed.

An ACT *to amend the Act, entitled "An Act for holding a Treaty with the St. Regis Indians, and for the Relief of William Gray and Jacob Dockstader."*

Paſſed March 8th, 1802.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it ſhall and may be lawful for 1
his excellency the governor and the ſurveyor-general to treat with the St. Regis Indians for the extinguiſhment of their claims to the mile ſquare, and the meadows on Graſs-river, ceded to them in the year one thouſand ſeven hundred and ninety-ſeven, on ſuch terms as they ſhall deem moſt conducive to the intereſt of the ſtate; or to purchaſe the ſame from the individuals to whom it 2
had been granted by the ſtate, before it was ceded to the ſaid In-

dians, in caſe the latter purchaſe can be made on more favourable terms, than the extinguiſhment of the Indian claim.

3 II. *And be it further enacted*, That in caſe the ſaid lands cannot be purchaſed of the ſaid Indians or the ſaid patentees at a reaſonable price, his excellency the governor ſhall repreſent the ſame to the legiſlature, that further proviſion may be made reſpecting thoſe claims.

4 III. *And be it further enacted*, That the firſt clauſe of the ſaid act, except that part which relates to the procuring the appointment of a commiſſioner on the part of the United States to attend the holding of the ſaid treaty, and the fourth clauſe thereof, be and the ſame is hereby repealed.

SENECA INDIANS, &c.

CHAP. XLVII.

CONTENTS.

1. Governor or his Agents, to hold a Treaty with the Senecas for the extinguiſhment of their claim to certain Lands.
4. ——— May purchaſe the Cayuga & Onondaga reſervation Lands.
5. ——— May draw Monies from the Treaſury, for theſe purpoſes.
2. Lands, for a Military Poſt, to be conveyed to the United States.
3. Such Conveyance, not to prejudice certain rights & privileges.
6. Stipulations may be made for a grant of lands to J. Pariſh and H. Jones.

An ACT *for holding a Treaty with the Seneca Nation of Indians, establishing a Military Post near Lake-Erie, and for other Purposes.*

Paſſed March 19th, 1802.

WHEREAS it is neceſſary that a treaty be held with the Seneca nation of Indians, to extinguiſh their claim to lands eaſt of Lake-Erie, to enable this ſtate to cede their juriſdiction or ſell to the United States a ſufficient quantity of the ſaid land at the eaſtern extremity of Lake-Erie, at a place called the Black-Rock, as may be ſufficient for the eſtabliſhment of a military poſt: Therefore,

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly*,

1 That it ſhall and may be lawful for the perſon adminiſtering the government of this ſtate, or his agent or agents, to hold a treaty (on the part of the people of this ſtate) with the Seneca nation of Indians, to extinguiſh their claim to the whole or ſuch part of their lands at the eaſt end of Lake-Erie, of one mile wide, on Niagara-river, from Buffaloes-creek to Stedman's farm, including Black-Rock, with ſo much land adjoining as ſhall be ſufficient for eſtabliſhing a military poſt, on ſuch payments and annuities as he or they ſhall judge moſt conducive to the intereſt of this ſtate.

2 II. *And be it further enacted*, That it ſhall and may be lawful for the perſon adminiſtering the government of this ſtate, for and

on behalf of this ſtate, to convey to the United States, after the extinguiſhment of the claim of the ſaid Indians as aforeſaid in fee ſimple, ſuch part of the ſaid land, at the eaſtern extremity of Lake-Erie, at a place called Black-Rock, as may be ſufficient for the eſtabliſhment of a military poſt, the United States paying therefor, the expence of holding the ſaid treaty, or ſuch part thereof as the perſon adminiſtering the government of this ſtate ſhall judge reaſonable; *Provided always*, That nothing in the fore- 3
going grant to the United States ſhall be conſtrued ſo as to prejudice the right of portage of the people of this ſtate along the ſaid river through the tract of land which may be ſo conveyed; and the privilege of a road along the ſhore of Lake-Erie, and of a ferry acroſs the Niagara-river at Black-Rock; *And provided further*, That ſuch conveyance ſhall in no wiſe prevent the execution of any proceſs, civil or criminal, iſſuing under the authority of this ſtate within the bounds of the land ſo to be conveyed, and ſuch conveyance ſhall expreſsly contain ſuch condition.

III. *And be it further enacted*, That it ſhall and may be lawful 4
for the perſon adminiſtering the government of this ſtate, or his agent or agents, at the ſaid treaty, to purchaſe from the Cayuga and Onondaga nations of Indians, all or ſuch part of their lands, called their reſervation lands, on ſuch terms as he or they may deem expedient.

IV. *And be it further enacted*, That it ſhall and may be lawful 5
for the perſon adminiſtering the government of this ſtate, to draw from the treaſury a ſum not exceeding five thouſand dollars, for defraying the expence of the ſaid treaty, and for paying ſuch part of the purchaſe money for the ſaid lands as may be neceſſary.

V. *And be it further enacted*, That in holding the ſaid treaty, 6
it ſhall and may be lawful for the perſon adminiſtering the government of this ſtate, or his agent or agents, to ſtipulate with the ſaid Seneca nation for the granting to Jaſper Pariſh and Horatio Jones, ſuch quantity of land, not exceeding one mile ſquare, to each of them ſeparately, and to their reſpective heirs and aſſigns, for ever, at ſuch place or places within the tract of one mile wide, on Niagara-river as aforeſaid, as ſhall at ſuch treaty be agreed on.

State Treaſurer.

CHAP. III.

Contents.

1. Robert M'Clallen, continued in office.—2. His Salary.

An ACT *to continue the Treasurer of this State in Office.*

Paſſed February 10th, 1802.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Robert M'Clallen, ſhall be 1

and hereby is continued in office as treaſurer of this ſtate, until ſixty days after the riſing of the legiſlature, at their next meeting after the firſt day of January next.

2 II. *And be it further enacted*, That the ſaid Robert M'Clallen, ſhall be allowed to retain as a compenſation for his ſervices and expences, including clerk-hire, office-hire and ſtationary, the ſum of ſixteen hundred dollars a year, in quarterly payments, for which the comptroller ſhall give his warrant as the ſame ſhall become due.

City of New-York.

CHAP. II.

Contents.

1. City Tax, time for the payment thereof, extended.
2. City Treaſurer, inhibited from iſſuing his warrant, till June.
4. Collectors to make monthly payments, under a penalty of 500 dollars.
3. State Tax, time of payment not prolonged by this act.

An ACT *for the Relief of the Collectors of Taxes in the City and County of New-York.*

Paſſed February 8th, 1802.

I. BE *it enacted by the People of the State of New-York, repre-*
1 *ſented in Senate and Aſſembly*, That the time limited by law for the collectors of taxes in the city and county of New-York, to pay the amount of taxes by them to be collected, for defraying the public or neceſſary contingent charges of the ſaid city and county, and to ſettle their accounts of the ſame with the chamberlain or treaſurer of the ſaid city and county, ſhall be and hereby is (in the preſent year) extended to the firſt Monday in May
2 next; and the ſaid chamberlain or treaſurer, is hereby inhibited (in the preſent year) from iſſuing any warrant or warrants againſt the ſaid collectors or any of them, for the collection of the ſaid taxes, until the firſt Monday in June next, any thing in the act for the aſſeſſment and collection of taxes to the contrary notwith-
3 ſtanding: *Provided always*, That nothing herein contained ſhall be conſtrued to prolong the time for paying the amount of the ſtate tax, to be collected in the ſaid city and county, and ſettling the accounts of the collectors of the ſame.

4 II. *And be it further enacted*, That the ſaid collectors ſhall ſeverally on the firſt Monday in each and every month, under the penalty of five hundred dollars, pay to the ſaid chamberlain or treaſurer, the monies by them from time to time collected, and exhibit to him their reſpective rolls when thereunto required.

CHAP. C.

Contents.

1, 3. Com. Council, may order the raiſing two ſeveral ſums by tax.
2, 4. ——— To what objects to apply the monies ſo to be raiſed.
5. Collectors, compenſation to them.
7. Inſpectors, who to perform that office at the next State Election.
10. ——— Of the next Election for Charter Officers.
9. Places for holding the Elections, Mayor & Recorder to appoint.
6. Treaſurer, his compenſation.
8. Vacancy in the office of Aſſeſſor or Collector, how filled.

An ACT *to enable the Mayor, Recorder and Aldermen of the City of New-York, to order the raising Monies by Tax, for the Maintenance of the Poor, and for defraying the Expences arising in the City and County of New-York, and for other Purposes.*

Paſſed April 3d, 1802.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the mayor, recorder 1
and aldermen of the city of New-York, as the ſupervisors of the city and county of New-York, or the major part of them, of whom the mayor or recorder ſhall be one, be and they are hereby authoriſed and empowered, as ſoon as conveniently may be, after the firſt day of May next, to order the raiſing a ſum not exceeding forty-five thouſand dollars, by a tax on the eſtates, real and perſonal, of the freeholders and inhabitants within the ſaid city and county of New-York, to be applied to the ſupport and 2
maintenance of the poor of the ſaid city and county, the ſupport and repairs of the bridewell, the ſupport and maintenance of criminal priſoners in the ſame, the making, repairing, regulating and improving the public roads and ſtreets, the defraying of other contingent expences ariſing within, and properly chargeable to the ſaid city and county, and to make up the deficiences upon former taxes ariſing from inſolvents, and the fees of collection not heretofore provided for: And alſo a further ſum, not exceed- 3
ing thirty thouſand dollars, by a tax on the eſtates real and perſonal, of the freeholders and inhabitants within the ſaid city, to the ſouthward of a line beginning at the outlet of the meadow of Anthony Liſpenard, into Hudſon's river; thence extending to and along the north ſide of the dwelling houſe late of Nicholas Bayard, deceaſed; thence along the middle of William-ſtreet to and acroſs the Bowery-lane to Bullock-ſtreet, and thence along the middle of Bullock-ſtreet to the Eaſt-river, to be applied to 4
the payment of ſo many watchmen as the mayor, aldermen and commonalty of the ſaid city, in common council convened, ſhall from time to time determine to be neceſſary for guarding the ſaid city, to the purchaſe of oil, providing lamps, and repairing and attending thoſe which now are or hereafter may be erected in the ſaid city, to the cleanſing, repairing and making the public wells

and pumps in the ſaid city, to defraying the other contingent charges ariſing in and properly chargeable to that part of the ſaid city which lies to the ſouthward of the line aforeſaid, as the ſaid mayor, aldermen and commonalty, in common council convened may from time to time direct, and for ſupplying the deficiences of former taxes, upon the ſame part of the ſaid city, owing to inſolvencies and fees of collection as aforeſaid.

5 II. *And be it further enacted*, That it ſhall be lawful for the collectors of the firſt, fourth, fifth and ſixth wards of the ſaid city, to retain in their hands four cents of each dollar; and for the collectors of the ſeventh ward of the ſaid city, to retain in their hands five cents of each dollar; and the collectors in the ſeveral other wards of the ſaid city, to retain in their hands three cents of each dollar by them collected, and no more, for their trouble in collecting and paying to the treaſurer or chamberlain of the ſaid city,
6 ſuch ſums of money as ſhall be raiſed by virtue of this act; and that it ſhall be lawful for the ſaid treaſurer, to retain in his hands ſeven mills for each dollar, and no more, for his trouble, in receiving and paying the ſaid monies.

7 III. *And be it further enacted*, That in caſe the mayor, aldermen and commonalty of the ſaid city, in common council convened, ſhall neglect to appoint inſpectors of the next annual election, to commence in the ſaid city on the laſt Tueſday of April next, in conformity to the ſecond ſection of the act, entitled "An act for regulating elections," it ſhall be the duty of the aſſeſſors and collectors of taxes, of the reſpective wards of the ſaid city, and they or any two of them are hereby required, upon notice thereof from the mayor, or in his abſence, the recorder of the ſaid city, to perform and execute the office of inſpectors of ſuch election, in the manner preſcribed to inſpectors by the ſaid act; and for that purpoſe are hereby inveſted with the like powers, and ſubjected to the like penalties, in caſe of mal-conduct or neglect of any duty, therein impoſed upon inſpectors of elections.

8 IV. *And be it further enacted*, That if any vacancy ſhould happen, in either of the wards of the ſaid city, by death, removal or refuſal to act, of either of the ſaid aſſeſſors or collectors, it ſhall be lawful for the mayor and recorder, or either of them to appoint ſome other perſon to fill ſuch vacancy.

9 V. *And be it further enacted*, That it ſhall be the duty of the mayor and recorder, or either of them, to appoint the place where ſuch election ſhall be holden in the ſeveral wards, and ſhall notify the perſons who are hereby authoriſed to preſide at ſuch elections, and publiſh ſuch notice in not leſs than two of the public newſpapers printed in the city of New-York, at leaſt twelve days previous to ſuch election.

10 VI. *And be it further enacted*, That in caſe of accident, or from any other cauſe, inſpectors of the next annual election of charter officers in the ſaid city, ſhould not be appointed agreeable to the act, entitled "An act to regulate the election of charter officers in the city of New-York," then and in ſuch caſe, it ſhall and may be lawful for the mayor and recorder, or either of them, to appoint

any one of the assessors, of the respective wards of the said city, inspectors, to hold such elections; *Provided always*, That such election shall, in every respect, be conducted according to the directions prescribed in and by the act, entitled "An act to regulate the election of charter officers in the city of New-York.

City of Albany.

CHAP. CIV.

Contents.

1. Common Council to order the raising a sum of money by tax.
2. ——— To apply the same in support of Watchmen & Lamps.
3. Tax, how to be assessed and collected.
4. Chamberlain, to publish a Statement of Monies received, &c.
5. Superintendents of Highways, monies stated to be due them.
6. ——— Their accounts, Supervisors of the County to audit & pay.

An ACT *to provide for defraying the Expence of Lighting the Lamps, supporting a Night-Watch in the City of Albany, and for other Purposes.*

Passed April 3d, 1802.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall be lawful for the 1
mayor, aldermen and commonalty of the city of Albany, to order a sum not exceeding three thousand five hundred dollars to be raised by a tax on the estates real and personal, of the freeholders and inhabitants of the said city, residing within half a mile of Hudson's river, for the payment of so many watchmen as the said 2
mayor, aldermen and commonalty have employed, or shall employ for one year, and of the expence for one year of lighting the lamps that now are, or within that period may be put up within the said city.

II. *And be it further enacted*, That the sums of money directed 3
to be raised as aforesaid shall be assessed and collected in the manner prescribed by the act, entitled "An act for the assessment and collection of taxes," passed the 8th April, 1801.

III. *And be it further enacted*, That the chamberlain of the city 4
of Albany shall publish, as soon as it conveniently can be done, a statement of the monies received and expended by virtue of this act, in one or more of the public newspapers printed in the city of Albany.

IV. *And whereas*, John Glen, Francis Nicoll and Garrit Wit- 5
beck, late superintendents of highways in the county of Albany, have, by their petition to the legislature stated that they have expended the sum of one hundred and seventy-three dollars and twenty-seven cents, in building and erecting bridges, over and above the monies in their hands collected, for the purpose of improving the

highways, which ſum they pray to be reimburſed: Therefore, *Be*
6 *it further enacted*, That it ſhall and may be lawful for the ſuperviſors of the county of Albany, to audit the accounts of the ſaid John Glen, Francis Nicoll and Garrit Witbeck, and they are hereby required to pay the above balance, if ſuch ſhould be found due, out of any monies raiſed, or to be raiſed for the contingent expences of the ſaid county.

Road.

CHAP. LXI.

Contents.

1. Alterations, in the Road from Albany to Orange, it is ſtated would be of extenſive utility.
2. Commiſſioners, to explore the Country on ſaid Route.
3. To report to the Legiſlature the neceſſary alterations, &c.
4. Their compenſation—5. By whom to be allowed and paid.

An ACT *respecting the Road leading from the City of Albany to the Orange County Turnpike.*

Paſſed March 30th, 1802.

1 WHEREAS alterations in many parts of the road, leading from the city of Albany to Kingſton, in Ulſter county, and from thence to the turnpike road, in the county of Orange, at or near the houſe of Moſes Cunningham, would be of extenſive public utility: Therefore,

Be it enacted by the People of the State of New-York, represented in
2 *Senate and Assembly*, That it ſhall and may be lawful for the perſon adminiſtering the government of this ſtate, by and with the advice and conſent of the council of appointment, as ſoon as convenient after the paſſing of this act, to appoint four diſcreet and reputable freeholders, one in the county of Greene, one in the county of Ulſter, one in the county of Orange, and one in the county of Albany; whoſe duty it ſhall be to meet in the village of Kingſton, on or before the firſt Monday in July next, and proceed
3 to examine and explore the country on the route aforeſaid, and report to the legiſlature, at their next meeting, what alterations in their opinion will be neceſſary and proper in the road aforeſaid; and the probable expences that may be conſequent on ſuch alterations, and alſo deſignate by particular marks and deſcriptions, where the ſaid road does or ought to croſs the boundary lines of the reſpective towns through which it may paſs; and alſo ſuch other matters and things as they may deem neceſſary,
4 for the information of the legiſlature in the premiſes; and the commiſſioners aforeſaid ſhall be allowed three and an half dollars each, including expences, for every day thy ſhall or may be em-

ployed in the service aforesaid, to be paid in maner following, to wit: They shall make and subscribe with their proper names 5 and hand writing, an account of their services aforesaid, and present one copy thereof to the supervisors of the county of Albany, one other copy thereof to the supervisors of the county of Greene, one other copy thereof to the supervisors of the county of Ulster, and one other copy thereof to the supervisors of the county of Orange, who shall at their respective annual meetings in October, audit the same and direct one fourth part thereof to be assessed, collected and paid, as part of the contingent expences of the several counties to which they respectively belong.

Court Houses and Gaols.

ONEIDA COUNTY.

CHAP. VIII.

Contents.

1. Supervisors to order a sum of Money to be raised by Tax.
2. When collected to be paid into the County Treasury.
3. Treasurer to pay the same to the Commissioners appointed to superintend the building the Gaol.
4. Commissioners to account with the Supervisors.

An ACT *for raising a further Sum of Money for completing the Goal in the County of Oneida.*

Passed February, 20th 1802.

WHEREAS the supervisors of the county of Oneida, have by their petition requested that a further sum of money may be directed to be raised for completing the gaol thereof: Therefore,

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the supervisors of the county of 1 Oneida, be and they are hereby authorised and required, to direct to be levied and raised on the freeholders and inhabitants of said county, the sum of five hundred and thirty-nine dollars, with an additional sum of five cents on the dollar for collecting the same; which sum shall be raised, levied and collected in like manner as the contingent charges of the said county are by law levied and collected.

II. *And be it further enacted*, That the said sum of five hundred 2 and thirty-nine dollars, shall be collected and paid into the treasury of the said county, on or before the first day of February next, and the treasurer of the said county is hereby required and di- 3 rected to pay the said sum of five hundred and thirty-nine dollars, to the order of the commissioners appointed to superintend the building of said gaol, retaining in his hands the sum of one cent on the dollar, for receiving and paying out the same.

4 III. *And be it further enacted*, That the said commissioners shall account with the supervisors of the said county, for the money so by them to be received and expended for the purposes aforesaid.

ORANGE COUNTY.

CHAP. X.

Contents.

1. Supervisors to order a sum of Money to be raised by Tax.
2. For improving the Court House and Gaol at Goshen.
3. Commissioners to be appointed to superintend the same.
5. ——— To account with the Supervisors.
4. Treasurer, his Duty.—6. His Compensation.

An ACT *to enable the Supervisors of the several Towns in the County of Orange, to raise the Sum of Three Thousand Two Hundred Dollars for the Purposes therein mentioned.*

Passed February 20th, 1802.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the supervisors of the
1 several towns in the county of Orange, for the time being, or a majority of them, shall be and are hereby authorised to direct to to be raised and levied, on the freeholders and inhabitants of the
2 said county, the sum of three thousand two hundred dollars, for the purpose of raising the court house and gaol in the town of Goshen, in the said county, one story higher, and to make the prison rooms on the third floor, and to repair the same, with the additional sum of five cents on each dollar for collecting the same; which sum shall be raised, levied and collected, in the same manner as the other necessary and contingent charges of the said county are levied and collected.

3 II. *And be it further enacted*, That it shall be lawful for the supervisors of the said county, or a majority of them, to appoint commissioners to superintend the altering and repairing the court house and gaol in the town of Goshen, in the county aforesaid; and the said commissioners, or a major part of them, may contract with workmen and purchase materials for altering and repairing the same, and shall from time to time draw upon the treasurer of the said county, for such sums of money for the purposes afore-
4 said, as shall come into the treasury by virtue of this act; and the treasurer is hereby required out of the monies aforesaid, to pay to the order of the said commissioners, the several sums of
5 money to be by them drawn for; and it is hereby made the duty of such commissioners, so to be appointed, to account with the supervisors of the said county, for the monies which they shall have received from the treasury when thereunto required.

III. *And be it further enacted*, That it ſhall and may be lawful for the treaſurer to retain in his hands the ſum of one cent on each dollar, for his trouble in receiving and paying out the monies directed to be raiſed by this act. 6

GREENE COUNTY.

CHAP. XX.

Contents.

1. Supervisors, to direct the raiſing a Sum of Money by Tax.
2. Treaſurer, to pay to the Commiſſioners ſuperintending the finiſhing the Gaol, the ſaid Money as it comes into his hands.
3. Commiſſioners to account for the expenditure of ſaid Money.

An ACT *for raising a further Sum of Money for completing the Gaol in the County of Greene.*

Paſſed March 3d, 1802.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the ſupervisors of the county of Greene, be and they are hereby empowered and directed to raiſe and levy on the freeholders and inhabitants of the ſaid county, a ſum not exceeding two thouſand ſix hundred and ſeven dollars, and thirty-four cents, with the additional ſum of five cents on each dollar for collecting the ſame, and one cent on each dollar for treaſurer's fees, which ſaid ſum ſhall be raiſed, levied and collected in the ſame manner as the other neceſſary and contingent charges of the ſaid county are raiſed, levied and collected. 1

II. *And be it further enacted*, That the treaſurer of the ſaid county, ſhall pay over the money ſo to be collected, as the ſame ſhall come into his hands, to the ſaid commiſſioners or to ſome one of them, and the commiſſioners or commiſſioner, who ſhall ſuperintend the finiſhing of the ſaid gaol, ſhall account with the board of ſupervisors, for the expenditure of the ſaid money, when thereunto required. 2 3

CLINTON COUNTY.

CHAP. LV.

Contents.

1. Supervisors, to order the raiſing 1500 Dollars by Tax.
2. Commiſſioners, to be appointed to ſuperintend the building a Court Houſe and Gaol.
3. ——— To make Contracts, receive and—5. account for Monies.
7. ——— To expend a certain ſum on a Building in Plattſburgh.
4, 8. Treaſurer, his duty.—6. His compenſation.
2, 9. Powers to the Judges, Aſſiſtant Juſtices and Supervisors.

An ACT *for building a Court House and Gaol in the County of Clinton.*

Paſſed March 26th, 1802.

1 I. BE *it enacted by the People of the State of New-York, repreſented in Senate and Assembly*, That the ſupervisors of the ſeveral towns in the county of Clinton, for the time being, or a majority of them, ſhall be and hereby are authoriſed to direct to be raiſed and levied on the freeholders and inhabitants of the ſaid county, the ſum of fifteen hundred dollars for building a court houſe and gaol in the ſaid county, with the additional ſum of five cents on each dollar for collecting the ſame, which ſaid ſum ſhall be raiſed, levied and collected, in the ſame manner as the other neceſſary and contingent charges of the ſaid county are levied and collected.

2 II. *And be it further enacted*, That it ſhall be lawful for the ſupervisors and judges and aſſiſtant juſtices of the court of common pleas in the ſaid county, or a majority of them, to appoint three commiſſioners to ſuperintend the building the ſaid court houſe and gaol in the ſaid county of Clinton, at ſuch place as the ſaid judges and aſſiſtant juſtices and ſupervisors, or a major part of them, ſhall deſignate for the purpoſe, on ſuch plan as the ſaid commiſſioners, or a major part of them, ſo to be appointed, ſhall
3 judge beſt: and the ſaid commiſſioners, or a major part of them, may contract with workmen, and purchaſe materials, for erecting ſaid court houſe and gaol; and from time to time draw upon the treaſurer of the ſaid county, for ſuch ſums of money for the purpoſes aforeſaid, as ſhall come into the treaſury by virtue
4 of this act, and the treaſurer is hereby required, out of the monies aforeſaid, to pay to the order of the ſaid commiſſioners, the
5 ſeveral ſums of money to be by them drawn for; and it is hereby made the duty of ſuch commiſſioners ſo to be appointed, to account with the ſupervisors of the ſaid county, for the monies which they ſhall have received from the treaſury, when thereunto required.

6 III. *And be it further enacted*, That it ſhall and may be lawful for the treaſurer of the ſaid county to retain in his hands, the ſum of one cent on each dollar, for his trouble in receiving and paying out the monies directed to be raiſed by this act.

7 IV. *And be it further enacted*, That the ſaid commiſſioners, ſo to be appointed as aforeſaid, ſhall, and are hereby authoriſed and required to lay out, expend and appropriate the ſum of two hundred and fifty dollars, heretofore raiſed in the ſaid county of Clinton, for making repairs to the temporary building erected by the voluntary exertions of the citizens of Plattſburgh, for the purpoſe of accommodating the courts held in the ſaid county of Clinton, until a new court houſe ſhould be erected in the ſaid county of Clinton, in the building and erecting of the gaol and
8 court houſe by this act directed to be erected: And the treaſurer of the ſaid county is hereby required to pay the ſaid ſum of two hundred and fifty dollars, laſt mentioned, to the ſaid commiſſioners, or their order, whenever by them, or a major part of them, he ſhall be required ſo to do.

V. *And be it further enacted*, That in case the said judges, assistant justices and supervisors, or a majority of them, should incline to fix upon that part of the town of Plattsburgh where the block-house is situated, for the building of the court house and gaol aforesaid, they are hereby authorised to convert the said block-house into such court house and gaol, or to make use of the materials of which the same is composed for the above purpose.

Supply Bill.

CHAP. CXIX.

Contents.

1,3,4,5,6,7,9,11,13,15,17,20. Monies to be paid certain Persons.
6. Additional Allowance, made to certain Officers.
4. Comptroller, to subscribe 200 Shares in the Farmer's Bank.
18. Chancellor, authorised to complete certain Proceedings under the Insolvent Act, by him commenced whilst Chief Justice.
12. Collector of Taxes for Easton, to be credited a certain Sum.
2. Council of Appointment, allowance to the Members.
16. Governor, may desist from further executing the Act respecting Balances reported to be due to the United States.
10. Laws, Titles of, may be omitted in the Revised Laws.
19. Plate in the Treasury, directed to be sold.
21. Recorders, of the cities of Albany, Hudson and New-York, their Fees, the amount thereof, and when to be paid.
13. Surveyor-General and Treasurer, their offices to be held in the public building at Albany.
14. Title of a Lot of Land vested in the Children of Geo. Sharp.
8. Transcripts of Election, not to be recorded by the Secretary.

An ACT *for the Payment of certain Officers of Government and for other Purposes,*

Passed April 5th, 1822.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the treasurer of this state shall on or before the first day of July next, on the warrant of the comptroller, pay to Simeon De Witt, surveyor-general of this state, the sum of twelve hundred and fifty dollars, for his services in his said office, from the first day of July last to the first day of July next, and such further disbursements on the like warrant of the comptroller as have been incurred by the said surveyor-general in executing the act, entitled "An act, authorising the holding a treaty with the St. Regis Indians, and for the relief of William Gray and Jacob Dockstader," and for certain surveys and appraisements of lands in the late Oneida reservation.

II. *And be it further enacted*, That the treasurer shall pay John Barber, printer to this state, such sums of money as shall be certified by the comptroller to be due to him for printing the laws and journals of the present session of the legislature, and such other

printing as has been or may be done by him for this ſtate; and alſo to Whiting and Leavenworth, ſuch ſums as ſhall be certified by the comptroller to be due to them, for printing done for this ſtate; and that the treaſurer of this ſtate ſhall pay, on the warrant of the comptroller, to Charles R. and George Webſter, ſuch ſum as ſhall be certified by the comptroller to be due to them for printing buſineſs done by them for this ſtate, under the direction of the ſecretary of ſtate.

III. *And be it further enacted*, That the treaſurer ſhall pay to Solomon Van Renſſelaer, adjutant general of the militia of this ſtate, on the warrant of the comptroller, ſuch ſum of money as may appear to be due to him for his ſervices in that ſtation, from the firſt day of July laſt, until the paſſing of this act, at the rate of fifteen hundred dollars per annum, and ſuch further ſum of money as may be due to the ſaid adjutant general at the rate aforeſaid, for ſervices in the like ſtation, from the twenty-third day of January, 1801, to the ſeventh day of April, in the ſame year.

IV. *And be it further enacted*, That the treaſurer ſhall pay, on the warrant of the comptroller, to ſuch of the clergy, as ſhall have attended the legiſlature as chaplains, during the preſent ſeſſion, the ſum of two dollars and fifty cents, for every day they have ſo attended, which ſum ſhall be certified by the preſident of the ſenate or ſpeaker of the aſſembly; and alſo ſuch ſums as ſhall be certified by the ſecretary of the late convention, to be due to the clergy who attended the ſaid convention as chaplains.

V. *And be it further enacted*, That the treaſurer ſhall pay to the meſſenger and door-keeper, of the council of reviſion and council of appointment, the like compenſation per day, as is allowed to the door-keepers of the ſenate and aſſembly.

2 VI. *And be it further enacted*, That the members of the council of appointment, ſhall, for their attendance during the receſs of the legiſlature, be entitled to receive the ſame allowance per day, and for travelling, as is allowed to the members of the legiſlature.

3 VII. *And be it further enacted*, That it ſhall be lawful for the treaſurer, on the warrant of the comptroller, to pay to the perſon adminiſtering the government of this ſtate, to defray the incidental expences which may ariſe in and about the adminiſtering the government of this ſtate, ſuch ſum or ſums of money as he ſhall require, not exceeding the ſum of ſeven hundred and fifty dollars.

VIII. *And be it further enacted*, That the treaſurer of this ſtate ſhall, on the warrant of the comptroller, pay to Matthew Prendergaſt, ſuch ſum as the comptroller ſhall certify to be due to him, for his lawful coſts and expences, in and about the defence of ſeveral ſuits in ejectment, lately commenced againſt him and others holding under him, for the recovery of lands ſold by the commiſſioners of forfeitures of the middle diſtrict, and which became forfeited to the people of this ſtate, by the attainder of Beverly Robinſon, not exceeding one hundred and twenty-five dollars.

IX. *And be it further enacted*, That the treaſurer of this ſtate ſhall, on the warrant of the comptroller, pay to Sarah C. Van

Horne, widow and executrix of David Van Horne, deceased, late adjutant general of this state, such sum of money as may appear to be due for the services of the said David Van Horne, in that station, from the first day of July, one thousand eight hundred, to the twenty-third day of January, one thousand eight hundred and one, and to be computed at the rate of fifteen hundred dollars per annum, with lawful interest thereon; for which period of service no provision appears to have been made by law.

X. *And be it further enacted*, That the treasurer of this state shall, on the warrant of the comptroller, pay to John Liswell, deputy commissary of military stores, the sum of six dollars and fifty-three cents, for expences incurred in repairs to the arsenal near the city of Albany.

XI. *And be it further enacted*, That the treasurer of this state shall, on the warrant of the comptroller, pay unto James Caldwell, for sundry repairs made to the house lately occupied by John Jay, esquire, while he was governor of this state, the sum of one hundred and six dollars.

XII. *And be it further enacted*, That the treasurer of this state shall pay unto John M'Clean, commissary of military stores, such sum as the comptroller shall certify to be due to him on the settlement of his account.

XIII. *And be it further enacted*, That it shall be the duty of the 4
comptroller and he is hereby authorised, as soon as conveniently may be, after the passing of this act, to subscribe on the part of this state, for the two hundred shares reserved for this state in and by the seventh section of the act, entitled "An act to incorporate the stockholders of the Farmer's bank," passed the 31st day of March, 1801, and shall draw his warrant on the treasurer of this state for such sum of money as shall be necessary to make the payment for such shares; which said warrant the said treasurer is hereby required to pay out of any monies in the treasury not otherwise appropriated.

XIV. *And be it further enacted*, That the comptroller shall, and 5
he is hereby authorised and required to audit and allow the account of Joshua Mersereau, one of the late commissioners of taxes for the county of Tioga, for services as such for the year one thousand eight hundred, and to draw his warrant for such sum as he shall find due to the said Joshua Mersereau, upon the treasurer, who is hereby required to pay the same to the said Joshua Mersereau.

XV. *And be it further enacted*, That the treasurer shall, on the warrant of the comptroller, pay to the president of the senate, the speaker of the assembly, and the members and attendant officers of the senate and assembly, the like sums respectively, for each day's attendance and travelling at the present session, in addition to the sums allowed to them respectively, in and by the act, entitled "An Act for the support of government," passed April 7th, 1801, as was allowed to them respectively at the last session of the legislature, including the like allowances to Henry I. Bleecker, assistant clerk of the senate, as was made last year to the assistant clerk of the assembly.

6 XVI. *And be it further enacted*, That from the firſt day of July laſt to the firſt day of July next, there ſhall be allowed to the ſeveral officers of government, in addition to the annual ſalaries now allowed to them and each of them reſpectively, in and by the act, entitled "An Act for the ſupport of government," the following ſums, to wit: To the chancellor, at the rate of five hundred dollars per annum; to the chief juſtice, at the rate of five hundred dollars per annum, and to each of the other judges of the ſupreme court, at the rate of ſix hundred and twenty-five dollars a year; and that the treaſurer ſhall pay on the warrant of the comptroller, the amount of the rent ſtipulated to be paid for the houſe occupied by his excellency the governor for the current year, and the taxes thereon.

XVII. *And be it further enacted*, That the treaſurer pay to the private ſecretary of the perſon adminiſtering the government of this ſtate, upon the warrant of the comptroller, the ſum of one hundred and eighty-ſeven dollars and fifty cents, in addition to the ſum allowed by the act, entitled "An Act for the ſupport of government."

XVIII. *And be it further enacted*, That the treaſurer, on the warrant of the comptroller, which warrant the comptroller is hereby directed to iſſue, ſhall pay to the ſecretary of this ſtate, the annual ſum of three hundred dollars, from and after the firſt day of July laſt, in quarter yearly payments, in addition to the ſum now allowed by law for the expences of his office, and that hereafter the comptroller ſhall, quarter yearly, iſſue his warrant for the payment of the ſaid ſum allowed by law as well as for the addition aforeſaid.

7 XIX. *And be it further enacted*, That the comptroller be and hereby is directed, to audit the account of the ſaid ſecretary, for monies by him paid for procuring a tranſcript of the enumeration of the inhabitants of this ſtate lately taken under the authority of the United States, and the cenſus of certain towns and a county, lately taken under the authority of this ſtate, which he was directed to procure for the uſe of the legiſlature, by concurrent reſolutions of the ſenate and aſſembly, of the preſent ſeſſion, and for the ſum found due, to iſſue a warrant, which warrant the treaſurer is hereby directed to pay.

8 XX. *And be it further enacted*, That it ſhall not be neceſſary for the ſaid ſecretary, to record the tranſcripts of elections as heretofore, but that the original tranſcripts returned into his office, ſhall be conſidered and remain there as of record.

9 XXI. *And be it further enacted*, That the treaſurer ſhall pay to Eliſha Jenkins, comptroller of this ſtate, four hundred and twenty-nine dollars and ſixty cents, for expences accrued in repairing the ſecretary's office, and preparing an office for the reception of the papers appertaining to the comptroller's office.

XXII. *And be it further enacted*, That the treaſurer ſhall, on the warrant of the comptroller, pay to John V. Henry, one hundred and eleven dollars and ninety-five cents, for poſtage paid on letters received by him whilſt comptroller of this ſtate, relative to the buſineſs of his office.

XXIII. *And be it further enacted*, That the treasurer shall, on the warrant of the comptroller, pay all such sums as the said comptroller shall certify to be due, for repairs done to furniture in the government house, in the city of New-York, and lately removed to the city of Albany, and all other the expences incurred in such removal, or that may in any wise have arisen in and about the premises.

XXIV. *And be it further enacted*, That the comptroller be authorised and directed, to audit the account of Charles R. and George Webster, printers of the revised laws, in conformity to the contract made with them by the honorable Judges Kent and Radcliff, and that the treasurer be directed to pay the said account, on the warrant of the comptroller; and the said judges 10 are hereby authorised to omit inserting in the second volume of the revised laws, the titles of such obsolete and private acts as they may think proper.

XXV. *And be it further enacted*, That the treasurer shall pay, 11 on the warrant of the comptroller, to John Wigram, the sum of forty-two dollars and fifty cents, in full for services as a surveyor in running the line of jurisdiction between this state and the commonwealth of Massachusetts.

XXVI. *And be it further enacted*, That the comptroller be and 12 he is hereby authorised and required to credit the account of the collector of taxes for the town of Easton, in the county of Washington, with the sum of twenty dollars and sixteen cents, for a like sum charged by mistake to Gerrit Van Beuren, of the said town.

XXVII. *And be it further enacted*, That the treasurer shall pay, 13 on the warrant of the comptroller, such expences as the comptroller shall certify to have been incurred in necessary repairs to the public building in the city of Albany, and in partitioning off two rooms in the said public building, one thereof for the surveyor-general, and the other for the treasurer of this state; and that after such rooms shall be completed the offices of the said surveyor-general and treasurer shall be held and kept therein.

XXVIII. *And be it further enacted*, That the treasurer of this state, on the warrant of the comptroller, shall pay to Jacob Dockstader, an Oneida Indian, the sum of sixty-eight dollars; *Provided*, The said Jacob Dockstader shall previously release to the people of this state all claim to fifty acres of land reserved to the said Jacob at a treaty lately holden with the Oneida nation of Indians.

XXIX. *And be it further enacted*, That the treasurer of this state shall, on the warrant of the comptroller, pay to William Vail the sum of two hundred and twenty dollars and fifty cents, in compensation for rent of a piece of ground taken by the committee for fortifying the harbour of New-York, on the 12th day of August, in the year one thousand seven hundred and ninety-eight.

XXX. *And be it further enacted*, That the treasurer of this state shall, on the warrant of the comptroller, pay to Anna Bancker, the sum of five hundred dollars, in compensation for materials used by the committee aforesaid in fortifying the said harbour;

and alſo the further ſum of nine hundred and eighty dollars, it being for three and an half years rent due to the ſaid Anna Bancker, for ground on which the ſaid fortifications were erected.

XXXI. *And be it further enacted*, That the treaſurer is hereby directed to pay on the warrant of the comptroller, to Richard Furman and James Tillary, the amount certified by the comptroller to be due them, for the erection of buildings and other improvements made by them on Staten-Iſland, for the accommodation of the marine hoſpital.

XXXII. *And be it further enacted*, That it ſhall and may be lawful for the comptroller of this ſtate, and he is hereby required and directed, to draw his warrant on the treaſurer of this ſtate, in favour of James Waters and Nancy Waters, for the payment of three hundred and ſeventy-five dollars, with intereſt at five per cent, from the ſeventeenth day of May, one thouſand ſeven hundred and eighty-three, which warrant the treaſurer is hereby required to pay out of any monies not otherwiſe appropriated.

14 XXXIII. *Whereas*, It appears to the legiſlature, that George Sharp purchaſed lot number ſixty-ſix in the town of Hannibal, in the military tract, of Henry Sprigler, the patentee, and paid a valuable conſideration for the ſame, but by reaſon of ſome informality in the transfer, the legal eſtate remains veſted in the ſaid Henry Sprigler, in truſt, for the uſe of the ſaid George Sharp; *And whereas*, The ſaid Henry Sprigler hath died without leaving any relatives in the United States, whereby all his eſtate has eſcheated to the people of this ſtate; *And whereas*, The ſaid George Sharp hath abſolutely died leaving eight children, to wit: Peter, Henry, George, John, Catharine, Margaret, Bailey and Anna: *And whereas*, It is juſt that the right, title and intereſt of the people of this ſtate in and to the ſaid lot ſhould be confirmed to the ſaid children of the ſaid George Sharp, deceaſed: Therefore, *Be it further enacted*, That all the right, title and intereſt which has eſcheated as aforeſaid to the people of this ſtate, in and to the aforeſaid lot of land, ſhall be and is hereby veſted in and confirmed to the aforeſaid children of the aforeſaid George Sharp, their heirs and aſſigns for ever, as tenants in common.

15 XXXIV. *And be it further enacted*, That the treaſurer ſhall pay on the warrant of the comptroller, ſuch ſums as ſhall be agreed to be paid for the extinguiſhment of the right of the patentee or patentees, or their aſſigns, for the mile ſquare and meadows on Graſs-river, within the reſervation of the St. Regis Indians, in purſuance of the act, entitled "An act to amend the act, entitled An act to authoriſe the holding a treaty with the St. Regis Indians, and for the relief of William Gray and Jacob Dockſtader."

16 XXXV. *And be it further enacted*, That it ſhall and may be lawful for the perſon adminiſtering the government of this ſtate to deſiſt from the further execution of the act, entitled "An act complying with the act of congreſs reſpecting balances reported againſt certain ſtates by the commiſſioners appointed to ſettle the accounts between the United States and the ſeveral ſtates," and the comptroller ſhall not draw on the treaſurer of this ſtate for

any of the monies specified in the said recited act, other than such as shall be due for contracts made by his excellency the governor for services in pursuance of the said act, until the further order of the legislature.

XXXVI. *And be it further enacted.* That it shall and may be 17
lawful for the treasurer of this state, upon the warrant of the comptroller, to pay to Josiah Ogden Hoffman, late attorney general, the sum of five hundred dollars for his extra services in sundry suits prosecuted by the state of Connecticut, against this state for certain lands therein; *Provided*, The said Josiah Ogden Hoffman shall previously deliver to his successor in office his brief upon the question depending as aforesaid, accompanied with such further remarks and information as may be useful to the state.

XXXVII. *And be it further enacted*, That the treasurer shall on the warrant of the comptroller, pay to John Murray, John Othoudt and Richard Furman, the sum of two hundred and seventy-four dollars and seventy-four cents, being monies expended by them as commissioners of taxes for the city and county of New-York.

XXXVIII. *Whereas*, It appears to the legislature, that Mary Brannon, in her life time, had, subsequent to the decease of her husband, Charles I. Brannon, paid the sum of five hundred and twenty-two pounds, being part of the consideration money, for a certain house and lot of ground in the city of New-York, purchased by the said Charles I. Brannon, in his life time, and also paid the further sum of four hundred and thirty-four pounds four shillings and five pence, in full discharge of a mortgage on the aforesaid house and lot of ground; *And whereas*, The real estate of the said Charles I. Brannon hath escheated to the people of this state, and hath been sold, and the proceeds thereof paid into the treasury: Therefore, *Be it further enacted*, That the treasurer of this state shall, on the warrent of the comptroller, pay to George Gosman and Andrew Morris, executors of the last will of the said Mary Brannon, and trustees for the legatees named in her will, the sum of two thousand five hundred dollars, to be by them distributed according to the directions of her said last will: *Provided*, That the comptroller shall not draw his warrant as aforesaid, until satisfactory evidence shall be produced to him that the registry of the said mortgage has been duly cancelled.

XXXIX. *And be it further enacted*, That the treasurer of this state shall, on the warrant of the comptroller, pay to Peter D. Beekman, the sum of fifteen dollars, for services performed by him, as clerk to the Onondaga commissioners, after the decease of Luther Trowbridge, their late clerk.

XL. *And be it further enacted*, That the treasurer shall pay, on the warrant of the comptroller, to Ambrose Spencer, late assistant attorney general, the amount of two taxed bills of costs in suits brought by him, in behalf of the people of this state, againt John Keating; and which said bills of costs could not be recovered in consequence of the insolvency of the said John Keating.

XLI. *Whereas*, It is represented to the legislature that in certain 18
cases of insolvency, proceedings were had before the hon. John Lan-

ſing, jun. eſquire, as chief juſtice of this ſtate, under the act, entitled "An act for giving relief in caſes of inſolvency," and that orders were obtained from the ſaid chief juſtice for grants or aſſignments to be made by the inſolvents of their eſtates purſuant to the ſaid act, but before final diſcharges were given, the ſaid John Lanſing, junior, was appointed chancellor of this ſtate; Therefore, *Be it further enacted*, That it ſhall and may be lawful for the ſaid John Lanſing, junior, to proceed in all ſuch caſes, and to grant the like relief and diſcharge, purſuant to the ſaid act, as if he had continued chief juſtice of the ſupreme court.

19 XLII. *And be it further enacted*, That the treaſurer of this ſtate is authoriſed and directed to ſell the plate now in his poſſeſſion, belonging to the ſtate, at public auction or private ſale, as he ſhall think proper, and in caſe of a ſale at auction, he ſhall firſt give public notice thereof; and the proceeds of ſales ſhall be by him carried to the credit of this ſtate in his account.

20 XLIII. *And be it further enacted*, That the treaſurer ſhall pay on the warrant of the comptroller, ſuch ſum as ſhall be neceſſary for the purchaſe of an iron cheſt, for the uſe of the treaſurer's office.

21 XLIV. *Whereas*, Difficulties and delays attend the collection and payment of the fees due to the recorders of the cities of New-York, Albany and Hudſon, in the ſeveral ſuits commenced in the mayor's courts of the ſaid cities: Therefore, *Be it further enacted*, That from and after the paſſing of this act, the ſum of ſeventy-five cents, directed to be paid to the recorders of the ſaid reſpective cities, on each ſuit to be commenced in the mayor's courts of the ſaid cities reſpectively, ſhall be paid at the time of iſſuing the firſt writ in ſuch ſuit; *Provided however*, That this ſection ſhall be in force, and continue, until the firſt day of May one thouſand eight hundred and four, and no longer.

School Money.

CHAP. LXV.

Contents.

A certain Sum of Money to be paid to the Treaſurer of Ontario.

An ACT *directing the Treasurer of this State to pay to the Treasurer of the County of Ontario, a Sum of Money to which the said County is entitled, under the Act for the Encouragement of Schools.*

Paſſed March 30th, 1802.

WHEREAS by the act, entitled "An act for the encouragemen of Schools," paſſed the 9th of April, 1795, the county of Ontario was authoriſed to receive out of the treaſury of this ſtate, for the purpoſes contemplated in ſaid act, the ſum of ſeven hundred and fifty dollars, on the third Tueſday of March, 1796, and the like ſum annually for four years thereafter; *And whereas*, It appears from the report of the comptroller, made to this legiſlature on the fourth day of February, 1802, that he ſum of ſeven

hundred and fifty dollars, which fell due to the said county of Ontario, on the third Tuesday of March, 1796, has never been paid, but that the money appropriated to that use, still remains in the treasury of this state: Therefore,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the treasurer of this state and he is hereby directed, to pay to the treasurer of the county of Ontario, or to his order, the sum of seven hundred and fifty dollars, to be by him distributed and applied according to the directions of the said act, for the encouragement of schools, for which distribution and application the said treasurer shall account to the supervisors of the county.

Private Acts.

CHAP. V.

CONTENTS.

The right of this state in a certain Farm granted to Eliza Livingston.

An ACT *for the Relief of Eliza Livingston.*

Passed February 12th, 1802.

WHEREAS Schuyler Livingston, and Eliza, his wife, by their petition to the legislature, have set forth, that Thomas H. Barclay, the father of the said Eliza, and whose estate was forfeited to the people of this state, by virtue of an act passed the 22d day of October, in the year of our Lord, 1779, had agreed to purchase, previous to the passing thereof, of the trustees of the estate of the late Peter Dubois, deceased, a certain farm, situate in the then county of Ulster, for the sum of two thousand seven hundred pounds, current money of this state; that the consideration money aforesaid had been paid to the said trustees or one of them, but no deed executed by them or either of them for the said farm; and that the said Thomas H. Barclay had assigned his interest in the said agreement to his said daughter, wherefore they pray a grant to the said Eliza, of the interest of the people of this state, in and to the premises: Therefore,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That all the estate, right, title, interest, claim and demand of the people of this state, both at law and in equity, of, in and to the farm agreed to be purchased as aforesaid, by the said Thomas H. Barclay, of the trustees of the estate of the said Peter Dubois, deceased, or of either of them, and of, in and to the monies paid therefor, be and hereby are granted to, and vested in the said Eliza Livingston, her heirs and assigns for ever; and it shall be lawful for the said Schuyler Livingston and Eliza, his wife, in the name of the said Thomas H. Barclay, or otherwise, but for the sole use of the said Eliza, to sue for and recover the same in any court of law or equity, within this state as fully and completely as the said Thomas H. Barclay could have done, had he not been attainted.

CHAP. XI.

Contents.

Monies loaned to Joſiah G. Pierſon by the State, periods for payment extended.

An ACT *to extend the Time of Payment of certain Sums of Money loaned to Joſiah G. Pierſon.*

Paſſed February 20th, 1802.

WHEREAS by an act of the legiſlature of this ſtate, paſſed the ſixth day of April, one thouſand ſeven hundred and ninety-five, the ſum of five thouſand dollars was loaned to Joſiah G. Pierſon, for the term of ſix years, at ſix per cent per annum, for the purpoſe of enabling the ſaid Joſiah G. Pierſon, to carry on the manufactory of nails and brads in this ſtate; *And whereas*, The further ſum of three thouſand dollars was loaned to the ſaid Joſiah G. Pierſon, for the ſame term of years, and at the ſame rate of intereſt, and for the ſame purpoſe; and for ſecuring the payment of the ſaid ſums of money, the ſaid Joſiah G. Pierſon mortgaged to the people of this ſtate ten thouſand four hundred and ninety acres of land, lying in the counties of Tioga, Waſhington and Montgomery; *And whereas*, The ſaid ſums of money above montioned are now due; *And whereas*, Jeremiah Pierſon and Iſaac Pierſon, brothers and heirs of the ſaid Joſiah G. Pierſon, have by their petition prayed for a further extenſion of the ſaid loans: Therefore,

Be it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly, That the payment of the ſaid ſum of three thouſand dollars, be and is hereby extended to the firſt day of May, one thouſand eight hundred and four; and that the payment of the ſaid ſum of five thouſand dollars, be and is hereby extended to the firſt day of May, one thouſand eight hundred and ſeven; ſubject nevertheleſs, to the payment of intereſt annually, in conformity to the conditions of the bonds and mortgages, executed by the ſaid Joſiah G. Pierſon, to the people of this ſtate.

CHAP. XII.

Contents.

A Sum of Money to be paid to Anna Hunt.

An ACT *for the Relief of Anna Hunt, Executrix of James Hunt, deceased.*

Paſſed February 20th, 1802.

WHEREAS James Hunt and Iſrael Honeywell, commiſſioners of ſequeſtration for the county of Weſtcheſter, did on the ſeventh day of April, one thouſand ſeven hundred and eighty-three, ſell and convey to Richard Sacket, junior, a negro boy, ſuppoſed to be ſequeſtered property; *And whereas*, It has

ſince appeared that the ſaid negro boy was not a ſlave, and that the ſaid James Hunt, has returned to the ſaid Richard Sacket, junior, fifty-ſix dollars and twenty-five cents, the price of ſaid boy; Therefore,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That the treaſurer of this ſtate, on the the warrant of the comptroller, pay to Anna Hunt, executrix of James Hunt, deceaſed, out of any money in the treaſury not otherwiſe appropriated, fifty-ſix dollars and twenty-five cents, in full for the money repaid to Richard Sacket, junior, by the ſaid James Hunt.

CHAP. XVII.

Contents.

1. A Lot of Land to be granted to John M'Kinſtry.
2. The conſideration money, to be ſecured by bond & mortgage.

An ACT *granting a Lot of Land to John M'Kinstry.*

Paſſed March 3d, 1802.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the commiſſioners of the 1
land office, be and hereby are authoriſed and directed to grant letters patent, in the uſual form, to John M'Kinſtry, his heirs and aſſigns, for a certain lot of land, belonging to the people of this ſtate, in the town of Junius, in the county of Cayuga, called the Scoyes reſervation, bounded ſoutherly on the Seneca-river, and northerly on lots number ninety-ſeven and number ninety-eight; ſaid to contain ſix hundred and forty acres; *Provided*, That the 2
ſaid John M'Kinſtry execute a bond to the people of this ſtate, for the payment of the purchaſe money, at the rate of two dollars and fifty cents per acre for the ſame, payable in ten years, with intereſt at the rate of ſix per centum per annum, to be paid annually; and alſo execute a mortgage to the people of this ſtate, of the ſaid lot of land, for ſecuring the payment of the ſaid bond.

II. *And be it further enacted*, That the ſaid bond and mortgage ſhall be depoſited in the office of the comptroller of this ſtate.

CHAP. XXII.

Contents.

Lands in certain Towns in the Counties of Cayuga and Onondaga, to be granted to Hannah Fiſher and others.

An ACT *for the Relief of the Representatives of George Fisher, deceased.*

Paſſed March 3d, 1802.

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it ſhall and may be lawful for the

commiſſioners of the land office, and they are hereby directed and required to iſſue letters patent unto Hannah Fiſher and the legal repreſentatives of George Fiſher, deceaſed, their heirs and aſſigns, as tenants in common, for one hundred acres of land, lying in a ſquare in the ſoutheaſt corner of lot number fifty-nine, in the townſhip of Cato, and county of Cayuga; and alſo for one hundred acres of land out of any of the unappropriated lands belonging to the people of this ſtate, lying in the townſhip of Romulus, and county of Cayuga; and alſo for one hundred acres of land, out of any of the unappropriated lands belonging to the people of this ſtate, lying in the townſhip of Tully, and county of Onondaga; and alſo for one hundred acres of land, out of any of the unappropriated lands belonging to the people of this ſtate, lying in the townſhip of Lyſander and county of Onondaga: *Provided always*, The lands to be granted as aforeſaid, ſhall be as near as may be of equivalent value, with three hundred acres of land in the ſoutheaſt corners of the lots of land, drawn to the names of Henry Aſh, Jacob Wendell, Teunis Carey, ſoldiers in the late army of the United States, ſerving in the line of this ſtate, conſidering one hundred acres in each lot as aforeſaid, and to be in a ſquare.

CHAP. XXIII.

Contents.

Monies to be paid to Alexander Comrie.

An ACT *for the Relief of Alexander Comrie.*

Paſſed March 3d, 1802.

WHEREAS it appears to the legiſlature, that Alexander Comrie, by virtue of an article of agreement, made and entered into with Beriah Palmer, as agent and attorney for Iſaac Low, dated the nineteenth day of October, in the year one thouſand ſeven hundred and ſeventy-eight, did take poſſeſſion of and make valuable improvements on lot number two, of the ſubdiviſion of lot number one, of the twenty-firſt allotment of the patent of Kayaderoſſeras, afterwards ſold by the commiſſioners of forfeitures of the weſtern diſtrict, and conveyed to James Caldwell, by deed dated the twenty-firſt day of June, one thouſand ſeven hundred and eighty-ſix; ſo that the ſaid Alexander Comrie, was deprived of the benefit of his ſaid contract, and of the improvements made by him ſo as aforeſaid; Therefore,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That the treaſurer of this ſtate, is hereby authoriſed and directed to pay on the warrant of the comptroller, unto Alexander Comrie, the ſum of two hundred and fifty dollars, which he is directed to pay out of any monies in the treaſury not otherwiſe appropriated; which ſaid payment ſhall be conſidered as a full ſatisfaction in the premiſes, of all claims of the ſaid Alexander Comrie upon the ſtate.

CHAP. XXIV.

CONTENTS.

Monies to be paid to the Vestry of St. Andrew's Church on Staten-Island, and to Jonathan Drake.

An ACT *for the Relief of the Rector, Church Wardens and Vestry-Men, of St. Andrew's Church, in the County of Richmond, and of Jonathan Drake.*

Passed March 3d, 1802.

WHEREAS in pursuance of an act of the legislature, passed at the last session, entitled "An act to provide against infectious and pestilential diseases," the public highway which passed through the lands on Staten-Island, on which a marine hospital has been erected, and belonging to the people of this state, has been stopped up, and another highway opened adjoining the quarantine ground, and through the land belonging to the rector, church wardens and vestry-men, of St. Andrew's church in the county of Richmond, and in the tenure and occupation of Jonathan Drake; *And whereas*, No provision was made in and by the said act, for the payment of the said land so taken for a highway, or for the damages which have been sustained by reason thereof: Therefore,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That the treasurer of this state shall, on the warrant of the comptroller, pay to the said rector, church wardens and vestry-men, the sum of two hundred and fifty dollars for the said land and damages; and the sum of one hundred and twenty-five dollars to the said Jonathan Drake, for his damages.

CHAP. XXXIV.

CONTENTS.

Lands in the Military Tract to be granted to David Bates, Henry Ten Eyck and William Gall.

An ACT *for the Relief of David Bates, Henry Ten Eyck and William Gall.*

Passed March 8th, 1802.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for the commissioners of the land office, and they are hereby required to grant letters patent to David Bates, for the like quantity of unappropriated lands in the tract set apart for the use of the line of this state, serving in the army of the United States, and in the same manner as has been granted to officers of the rank of lieutenant, serving in the line of this state.

II. *And be it further enacted*, That it shall be lawful for the commissioners of the land office, and they are hereby required to grant letters patent to Henry Ten Eyck, for the same quantity of

unappropriated lands in the tr[illegible] ship
of this ſtate, ſerving in the [illegible] in that
granted to officers of the [illegible] ſerving
a gratuity for his ſervices [illegible] has been
war; *Provided always*, Th[illegible] the Fine of
ters patent in either of th[illegible] ſaid lots
into the treaſury of this [illegible] may be
contained in ſuch letter[illegible] each of the
miſſioners a receipt the[illegible] of this ſtate

III. *And be it further* [illegible]
land office be and they [illegible]
Gall, late a ſoldier in [illegible]
colonel John Lamb, [illegible]
for and during his [illegible]
the ſaid William G[illegible]

[illegible] of Ulſter,

[illegible] due.

1. Abel Noble [illegible]
2. And on [illegible]
3. The loc[illegible]

W[illegible]
purſuant [illegible]
troops to [illegible]
United [illegible]
of unapp[illegible]
this ſtate [illegible]
unappr[illegible]
thouſand [illegible]
rights a[illegible]
ſtate: *A*[illegible]
till after [illegible]
expired [illegible]

1 I. *Be* [illegible]
in Senate [illegible]
ble, Sol[illegible]
ſend, o[illegible]
the amo[illegible]
ral's offi[illegible]
ſuch oth[illegible]

2 II. *And* [illegible]
miſſion[illegible] of this ſtate be
receipt [illegible] the ſaid Joſeph
the land[illegible] comptroller ſhall

vacant and unappropriated, to cause letters patent to issue to the said Abel Noble and his associates, and to their heirs and assigns, for two thousand acres of land, in the place or places intended in this act; *Provided*, That such location or locations shall be made, 3
and the lands so located be surveyed, at the expence of the persons so locating, and letters patent for the same be sued out, on or before the first day of March next.

CHAP. XLI.

Contents.

A Sum of Money to be paid to the Heirs of Solomon Simpson.

An ACT *for the Relief of the Heirs of Solomon Simpson, deceased.*

Passed March 16th, 1802.

WHEREAS the committee of association in the city of New-York, in the month of May, one thousand seven hundred and seventy-five, caused all the cannon then in the city of New-York, belonging to private persons, to be removed to Kingsbridge, part of which cannon were afterwards, by order of the convention of the state, or a committee thereof, delivered to certain persons in the state of Connecticut, for the use of that state, and have been charged to and paid for by that state, and the residue were applied to the use of the United States, and charged to them in their account with this state: Therefore,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the comptroller of this state, and he is hereby required to draw his warrant on the treasurer thereof, in favor of the heirs of Solomon Simson, late of the city of New-York, deceased, whose cannon were taken as aforesaid, and have not been paid, for the sum of three hundred and twenty-five dollars, and which warrant the treasurer is hereby directed to pay out of any monies in the treasury not otherwise appropriated.

CHAP. XLV.

Contents.

1. Lands in the Military Tract to be granted to John Shepard.
2. With certain exceptions and reservations.

An ACT *for the Relief of John Shepard.*

Passed March 19th, 1802.

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for 1
the commissioners of the land office and they are hereby required to grant letters patent to John Shepard, a captain of artificers in the American army, during the late war, for lot number sixty-

five in the townſhip of Dryden, lot number eleven in the townſhip of Cicero, and lot number eight in the townſhip of Cato, in that tract of land ſet apart for the uſe of the line of this ſtate, ſerving in the army of the United States, in the ſame manner as has been granted to officers of the rank of captain, ſerving in the line of
2 the ſaid ſtate; excepting and reſerving out of each of the ſaid lots one hundred acres to be laid out in a ſquare as nearly as may be in the ſoutheaſt corner thereof; and alſo fifty acres in each of the ſaid lots, heretofore ſold by the ſurveyor-general of this ſtate agreeable to law, for the expences of ſurveying the ſame.

CHAP. XLVI.

Contents.

1. The account of Jacobus Haſbrouck, jun. Treaſurer of Ulſter, Comptroller to audit and allow.
2. State Treaſurer to pay him ſuch ſum as ſhall be certified to be due.
3. Accounts of Joel Thompſon, Treaſurer of Chenango, Comptroller alſo to audit and allow.

An ACT *for the Relief of Jacobus Hasbrouck, junior, and Joel Thompson.*

Paſſed March 19th, 1802.

WHEREAS the collectors of the towns of Woodſtock, Mamakating, Hurley, Windham, Neverſink, Catſkill, Kingſton, Rocheſter and Lumberland, in the county of Ulſter, for the year one thouſand ſeven hundred and ninety-nine, and the collectors of the towns of Lumberland, Rocheſter, Neverſink and Hurley, in the ſaid county of Ulſter, for the year one thouſand eight hundred, did not make the affidavit mentioned in the twenty-firſt ſection of the "Act for the aſſeſſment and collection of taxes," within the time limited for that purpoſe, in and by the ſaid ſection, owing to the ſickneſs of ſome of the collectors, and to the ſcattered ſituation of the inhabitants of ſome of the towns, which rendered it impoſſible to diſcharge their reſpective duties within the time limited by law; by reaſon whereof the comptroller hath refuſed to audit and allow the account of the treaſurer of the ſaid county, ſo far as reſpects the taxes of the ſaid ſeveral towns in the years aforeſaid reſpectively: Therefore,

1 I. *Be it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That the comptroller is hereby authoriſed and required to audit and allow the account of Jacobus Haſbrouck, junior, treaſurer of the ſaid county of Ulſter, in the ſame manner as if the ſeveral collectors of the ſeveral towns in the years aforeſaid had ſeverally made the ſaid affidavits within the time limited therefor as aforeſaid.

2 II. *And be it further enacted*, That the treaſurer of this ſtate be and hereby is directed and required to pay to the ſaid Jacobus Haſbrouck, junior, ſuch ſum of money as the comptroller ſhall

certify to be due to him for over payment into the treasury of this state, after settlement of his accounts in the manner herein above prescribed, out of any monies in the treasury not otherwise appropriated.

III. *And be it further enacted*, That the comptroller is hereby authorised and required to audit and allow the account of Joel Thompson, treasurer of the county of Chenango, for the year one thousand eight hundred and one, in respect to the towns of Hamilton, Cazenovia, De Ruyter and Brookfield, in the same manner as if the several collectors of the said several towns had made their affidavits and returns strictly in such form and time as required by law. 3

CHAP. LI.

Contents.

Lands to be granted to Joseph Bingham.

An ACT *for the Relief of Joseph Bingham.*

Passed March 26th, 1802.

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for the commissioners of the land office, and they are hereby required to issue letters patent to Joseph Bingham, assignee of Johnson Bingham, for one hundred acres of land, in lot number seventy-seven, in the township of Tully, and fifty acres of land in lot number fifty-nine, in the township of Homer, agreeably to to the certificates of Simeon De Witt, esquire, surveyor-general, issued in pursuance of the act, entitled "An act for the further sale of the unappropriated lands of this state," passed the 27th of March, 1794; *Provided*, That the said Joseph Bingham shall, previous to the issuing of the said letters patent, and within nine months after the passing of this act, pay to the treasurer of this state, the sum of one hundred and thirty-one dollars and twenty-five cents, with interest at six per cent per annum, from the fourth day of September, one thousand seven hundred and ninety-five, and at the same time file the said original certificates with the said commissioners of the land office.

CHAP. LIII.

Contents.

Lands to be granted James Rynders and Ichabod Coe.

An ACT *for the Relief of James Rynders and Ichabod Coe.*

Passed March 26th, 1802.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for the commissioners of the land office and they are hereby required to

grant letters patent to the ſaid James Rynders, his heirs and aſſigns for ever, for the like proportion of unappropriated lands, part of the lands ſet apart for the uſe of the line of this ſtate, lately ſerving in the army of the United States, as has been granted to ſoldiers of the line of this ſtate, ſerving in the army of the United States.

II. *And be it further enacted*, That it ſhall and may be lawful for the ſaid commiſſioners, and they are hereby required to grant letters patent to Ichabod Coe, and to his heirs and aſſigns for ever, for the like proportion of unappropriated lands, part of the lands ſet apart for the uſe of the line of this ſtate, lately ſerving in the army of the United States, as has been granted to ſoldiers of the line of this ſtate, ſerving in the ſaid army.

CHAP. LIV.

Contents.

1. Lands to be granted M. B. Talmage, in truſt for John Welch.
2. ——— to Jonathan Crocker, junior, and others, in truſt for Samuel Crawford.

An ACT *for the Relief of John Welch and Samuel Crawford.*

Paſſed March 26th, 1802.

1 I. BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That it ſhall and may be lawful for the commiſſioners of the land office, and they are hereby required to grant letters patent to Matthias B. Talmage, in truſt for John Welch, his heirs and aſſigns, for four hundred and fifty acres of unappropriated lands in the tract ſet apart for the uſe of the line of this ſtate, ſerving in the army of the United States, and in the ſame manner as has been granted to ſoldiers ſerving in the line of this ſtate; and the ſaid Matthias B. Talmage, ſhall diſpoſe of the ſaid lot of land, for a price not leſs than two dollars and fifty cents per acre, and apply the proceeds for the ſupport of the ſaid John Welch and his family, and after his deceaſe, pay the reſidue, if any there be, to his legal repreſentatives.

2 II. *And be it further enacted*, That it ſhall any may be lawful for the commiſſioners of the land office, and they are hereby directed and authoriſed to grant to Jonathan Crocker, junior, Samuel Jones and Jonathan Jenkins, four hundred and fifty acres of unappropriated land, ſet apart for the uſe of the line of this ſtate, ſerving in the army of the United States, to hold the ſaid land to the above named perſons, and their heirs and aſſigns, as joint tenants and not as tenants in common, in truſt, to ſell and diſpoſe of the ſame at the beſt price they can obtain for the ſame, and not leſs than two dollars and fifty cents per acre, and to apply the monies ariſing from ſuch ſale, for the uſe, ſupport and maintenance of Samuel Crawford, late a ſoldier in the army of the United States, in the line of this ſtate, his wife and family, during his natural life, and to pay the reſidue, if any there be at his deceaſe, to his legal repreſentatives.

CHAP. LX.

Contents.

Lands to be granted to the Representatives of Reuben Drake.

An ACT *for the Relief of the Representatives of Reuben Drake, deceased.*

Passed March 30th, 1802.

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for the commissioners of the land office, and they are hereby required to grant unto the legal representatives of Reuben Drake, deceased, their heirs and assigns, two hundred acres of land, out of any of the unappropriated lands belonging to the people of this state, situate in the eastern district thereof, not reserved for public uses, the same to be surveyed at the expence of the said grantees.

CHAP. LXXX.

Contents.

An Island in the Hudson-River to be granted to William and Thomas Lang and Andrew Johnson.

An ACT *granting a certain Island in the Hudson-River, to William Lang and others.*

Passed March 30th, 1802.

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall be lawful for the surveyor-general and he is hereby directed to execute a conveyance on behalf of the people of this state, to William Lang, Thomas Lang and Andrew Johnson, their respective heirs and assigns, of a certain island in the Hudson-river, near the west bank thereof, in the town of Northumberland, in the county of Saratoga, belonging to the people of this state, lying opposite to the east bounds of lot number two, in the subdivision of lot number one, of the nineteenth general allotment of the patent of Kayaderosseras, containing about three acres, upon producing to him a certificate, signed by the treasurer of this state, that they, or either of them, have paid into the treasury, as a consideration for the same, the sum of one hundred dollars; *Provided*, The said island has not been heretofore granted.

CHAP. LXXXVII.

Contents.

A Dam across the Seneca-River, Robert Troup and his Associates authorised to build.

An ACT *authorising Robert Troup and his Associates, to erect a Dam across the Seneca-River.*

Passed April 1st, 1802.

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful

for Robert Troup and his aſſociates, their heirs and aſſigns, being owners and proprietors of the lands lying on both ſides of the ſtream, by and with the conſent of the preſident and directors, of the weſtern inland lock navigation company, to erect a dam acroſs the Seneca-river, in the county of Cayuga, betwen the griſt-mill owned by the ſaid Robert Troup and his aſſociates, and the north-eaſt corner of lot number nine, in the townſhip of Romulus; *Provided however*, That the ſaid dam ſhall not be ſo conſtructed as to raiſe the waters of ſaid river, at any place oppoſite to lands not owned by them.

CHAP. XCII.

Contents.

1. A certain Tract of Land to be granted to James Abeel.
3. If the ſame is unappropriated and remains unſettled.
2. On his paying a certain Sum per acre.
4. Or executing to the State a Bond with approved ſureties.

An ACT *authorising a Grant of Lands to James Abeel.*

Paſſed April 1ſt, 1802.

1 I. BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That it ſhall be lawful for the commiſſioners of the land office, and they are hereby authoriſed and directed, to cauſe letters patent to be granted to James Abeel, his heirs and aſſigns, for a tract of land lying and being in the county of Waſhington, adjoining a patent granted to the ſaid James Abeel, and bounded as follows, viz. Beginning at the moſt ſoutherly corner of the ſaid patent, and runs thence ſouth fifty-one degrees eaſt forty-one chains; thence north twenty-eight degrees one hundred and forty-two chains and fifty links; thence north ſixty degrees weſt ninety chains; thence ſouth one hundred and forty-ſeven chains; thence weſt twelve chains and twenty links, to the place of beginning, containing about eight
2 hundred acres of land; *Provided nevertheleſs*, and upon condition, that the ſaid James Abeel, ſhall on or before the firſt day of January, one thouſand eight hundred and nine, pay into the treaſury of this ſtate, ſuch ſum per acre for the ſame as ſhall be determined to be the value thereof by the ſurveyor-general of this ſtate; *Pro-*
3 *vided alſo*, That the ſaid lands have not been otherwiſe appropriated, and remain unſettled by any other perſon than the ſaid James Abeel, and thoſe claiming under him.

4 II. *And be it further enacted*, That if the ſaid James Abeel, ſhall at any time on or before the firſt day of October next, give and execute his bond to the people of this ſtate, together with ſuch ſureties therein as the comptroller ſhall approve of and be ſatisfied with, for the payment of ſuch ſum of money as ſhall be ſo determined and fixed on as aforeſaid, at the period aforeſaid, with intereſt thereon at the rate of ſix per cent per annum to be

paid annually, then and in ſuch caſe all and every condition contained in this act, and predicated on the payment of money by the ſaid James Abeel, ſhall ceaſe, and the title of the ſaid James Abeel, to all the ſaid lands, ſhall become abſolute.

CHAP. CVI.

Contents.

1, 2. Recital, ſtates the boundaries of a certain Tract of Land, ſold by the Commiſſioners of Forfeitures to be incorrect.
3. The true bounds to be aſcertained by the Surveyor-General.
4. A Conveyance thereof to be executed to Jonathan Winne.
5. Proviſo, reſpecting the quantity, payment, & releaſe to the State.
6. Lands to be granted to Thomas Quigley, on condition.

An ACT *for the Relief of Jonathan Winne, and for granting Lands to Thomas Quigley.*

Paſſed April 5th, 1802.

WHEREAS the late commiſſioners of forfeitures for the weſtern diſtrict, on the twentieth day of November, in 1
the year of our Lord one thouſand ſeven hundred and eighty-ſix, did ſell and convey unto Abraham Bloodgood, and his heirs and aſſigns for ever, a certain tract of land, deemed to have become forfeited to the people of this ſtate, by the conviction of Baſtian Becker, which is deſcribed in the deed of conveyance, executed by the ſaid commiſſioners as ſituated in the united diſtrict of Duaneſburgh and Schoharie, at a certain place called Breekebeen, and was eſtimated to contain forty-three acres, be the ſame more or leſs, which ſaid tract of land was afterwards ſold and conveyed by the ſaid Abraham Bloodgood unto Jonathan Winne, and his heirs and
aſſigns for ever; *And whereas*, It appears from a ſurvey made of 2
the ſaid land, that the diſtance of ſome of the courſes given in the ſaid deed of the commiſſioners, would on the one ſide run in upon other lands not liable to be ſold, and on another ſide the boundaries do not include the land intended to be ſold by the commiſſioners aforeſaid; for remedy whereof, and to rectify the error made in the grant for the ſaid land,

I. *Be it enacted by the People of the State of New-York, represented* 3
in Senate and Assembly, That the ſurveyor-general of this ſtate be and he is hereby directed and authoriſed, to aſcertain the true boundaries of the land aforeſaid, formerly poſſeſſed by the ſaid Baſtian
Becker, and thereupon to execute a conveyance in behalf of the 4
people of this ſtate to the ſaid Jonathan Winne, for ſuch part of the land deemed to have become forfeited to the people of this ſtate, by the conviction of Baſtian Becker as is not contained within the boundaries of the deed executed by the commiſſioners of forfeitures as aforeſaid; *Provided*, That the whole quantity of the land 5
forfeited as aforeſaid, conveyed and to be conveyed to the ſaid Jonathan Winne, ſhall not exceed ſeventy-ſix acres: *And provided alſo*, That the ſaid Jonathan Winne ſhall on the receipt of the ſaid

conveyance, pay into the treaſury of this ſtate the value, to be aſcertained by the ſurveyor-general, of ſuch lands as he ſhall receive by ſuch conveyance over and above the quantity of forty-three acres; and ſhall execute a releaſe to the people of this ſtate, for all ſuch land contained within the boundaries of the aforeſaid deed, from the commiſſioners of forfeitures, as is not compriſed within the boundaries of the ſaid ſeventy-ſix acres.

6 II. *And be it further enacted*, That the commiſſioners of the land office, ſhall iſſue letters patent to Thomas Quigley, his heirs and aſſigns for ever, for lot number one in the townſhip of Milton, in the county of Cayuga; *Provided*, The ſaid Thomas Quigley, ſhall pay to the treaſurer of this ſtate, one ſixth part of the price which ſhall be ſet on the ſaid lot of land by the ſurveyor-general, and execute a mortgage to the people of this ſtate for the reſidue, in the form of thoſe taken on lands in the Indian reſervations, payable with intereſt yearly at ſix *pent** in eight years from the date of ſuch letters patent; *Provided*, The ſaid lot hath not been heretofore granted or appropriated.

* So in the original.

CHAP. CVII.

CONTENTS.

1. Contracts for the ſale of certain Lands, having been made by the late John Carpenter,
2. His Widow authoriſed to execute Conveyances purſuant thereto.
3. Such Conveyances not to conclude the Heirs without the Chancellor's Certificate.
4. Monies received, to be aſſets for payment of the Inteſtate's Debts.

An ACT *relative to the real Estate of John Carpenter, deceased.*

Paſſed April 5th, 1802.

1 WHEREAS it has been preſented to the legiſlature, that John Carpenter, deceaſed, in his life time, made contracts with divers perſons, for the ſale of ſeveral tracts or parcels of land, and afterwards died inteſtate, without having executed conveyances to the purchaſers, and leaving ſeveral infant children, by reaſon whereof the ſaid contracts cannot be carried into effect: For remedy whereof,

I. *Be it enacted by the People of the State of New-York, represented*
2 *in Senate and Assembly*, That it ſhall be lawful for Abigail Carpenter, the widow and adminiſtratrix of the goods, chattels and credits of the ſaid John Carpenter, deceaſed, to execute conveyances purſuant to the ſaid contracts, upon receipt of the purchaſe money with the lawful interſt due thereon; which conveyances ſhall be as good and effectual in the law, as if the ſame had been executed by the ſaid John Carpenter, in his life time: *Provided*
3 *always*, That ſuch conveyances ſhall not conclude the heirs of the ſaid John Carpenter, deceaſed, unleſs the chancellor of this ſtate

ſhall endorſe on the ſame reſpectively, a certificate that he is ſatisfied with the form of ſuch conveyances, and that they are made in purſuance of exiſting and valid contracts, entered into by the ſaid John Carpenter, in his life time.

II. *And be it further enacted*, That the monies which the ſaid 4
adminiſtratrix ſhall receive in virtue of the aforeſaid contracts ſhall be conſidered as aſſets in her hands, for the payment of the juſt debts of her inteſtate; and in caſe of any ſurplus, ſuch ſurplus ſhall be accounted for by her to the heirs of the ſaid inteſtate, as part of the proceeds of his real eſtate.

CHAP. CXVI.

Contents.

A Tract of Land on the eaſt ſide of Oſwego-river, Daniel Burt jun. permitted to occupy for ten years, on Rent.

An ACT *granting to Daniel Burt, junior, the exclusive Privilege to occupy certain Lands belonging to the People of this State.*

Paſſed April 5th, 1802.

WHEREAS Daniel Burt, junior, of the county of Orange, has by his memorial to the legiſlature, ſet forth that he lately purchaſed lot number ſeven in the town of Hannibal, adjoining the rapids on the Oſwego-river, with an intent to erect a griſt-mill, ſaw-mill and forge on the ſame; *And whereas*, There is a large tract of cleared land, on the eaſt ſide of ſaid river, adjoining the fort belonging to the people of this ſtate, which would afford paſture and hay for the ſupport of cattle and horſes neceſſary to carry on a work ſo laudable: Therefore,

Be it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly, That it ſhall and may be lawful for the ſaid Daniel Burt, junior, his heirs and aſſigns, to occupy and improve, poſſeſs and enjoy a quantity not exceeding one hundred acres of the aforeſaid tract of land, to his or their uſe and benefit for and during the term of ten years from and after the paſſing of this act, he paying therefor yearly and every year, for and during the time aforeſaid into the treaſury of this ſtate, ten cents per acre; and for that purpoſe the ſaid Daniel Burt, is hereby required to cauſe the ſame to be ſurveyed at his expence, and a return of the ſurvey thereof to be made under oath, within one year after the paſſing of this act, to the comptroller of this ſtate; *Provided always*, That the preſent grant ſhall not in any manner be ſo conſtrued, as to prevent the ſtate at any time to erect fortifications, or any other public buildings, on the ſaid tract ſo to be ſurveyed and occupied as aforeſaid.

Obsolete Acts.

CHAP. L

An ACT *directing the Execution of George Peters.*

Passed February 8th, 1802.

WHEREAS at a court of oyer and terminer, held in and for the county of Oneida, in the month of June last, George Peters, one of the Brothertown Indians, was convicted of the murder of his wife, and sentenced to suffer death on the twenty-eighth day of that month; *And whereas*, His excellency the governor, has suspended the execution of the said George Peters, until the second Friday in the present month, and has reported the case of the said George Peters to the legislature; *And whereas*, Nothing has appeared of sufficient weight to warrant a favourable interposition; Therefore,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That the sheriff of the county of Oneida, shall cause the said George Peters, to be executed on the last Friday in March next, between the hours of twelve and three in the afternoon.

CHAP. XXI.

An ACT *to confirm the Proceedings of the Court of Common Pleas, held in and for the County of Greene, on the last Tuesday of January last.*

Passed March 3d, 1802.

WHEREAS it appears that the court of common pleas, in the county of Greene, was holden by mistake of the judges and assistant justices of the same court, on the last instead of the first Tuesday of January last: Therefore,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That the proceedings of the said court shall be as valid to all intents and purposes, as if the same had been held at the time prescribed by law: And all writs and process made returnable during the actual sitting of the said court, shall be as valid as if made returnable at the time the said court ought to have been held; and all persons bound to appear at the said court, at the time the same was held as aforesaid, shall be holden to appear in like manner as if the said court had been held on the said first Tuesday in January; and all writs and process which have been or may be issued out of the said court, prior to the next term thereof may be tested of any day on which the said court actually sat.

CHAP. LXIII.

An ACT *to authorise the holding of Town Meetings in the present Year, in certain Towns where they were not held agreeably to Law.*

Passed March 30th, 1802.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That in all instances where town meetings were not held on the first Tuesday of March in the present year, according to the provision of the first section of the "Act relative to the duties and privileges of towns," it shall be lawful for the supervisor and town clerk of such town, or either of them, to give at least eight days previous notice to the freeholders and inhabitants of such town, to meet at the usual place on any day previous to the last Tuesday of April in the present year, which town meeting shall be as valid, as if the same had been held on the said first Tuesday of March; and the town officers in any such town for the preceding year, shall continue to exercise their respective offices until such election.

II. *And be it further enacted*, That if any town meeting, in any such town, shall have been held on the first Tuesday of April in the present year, the same shall be as valid as it would have been, had it been held on the first Tuesday of March.

L A W S

OF THE

STATE OF NEW-YORK,

PASSED AT THE *TWENTY-SIXTH SESSION* OF THE LEGISLATURE, BEGUN AND HELD AT THE CITY OF ALBANY, JANUARY 26, 1803.

Towns.

C H A P. V.

CONTENTS.

1. Town of Vernon erected from part of Jerusalem.
2. Residue of Jerusalem to continue a separate town.
3. Supervisors and Overseers of the Poor, their duty.

An ACT *to divide the Town of Jerusalem, in the County of Ontario.*

Passed February 12th, 1803.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That from and after the last 1
day of February instant, all that part of the town of Jerusalem, in the county of Ontario, and bounded as follows, viz. beginning at the southeast corner of the said county, thence westerly along the south line thereof, to the east shore of the Crooked lake; thence northerly along the said east shore to the southeast shore of the outlet of said lake; thence due north to the south line of township number eight in the first range; thence along the south line of said township to the southwest corner thereof; thence northerly along the west line of said township to the northwest corner thereof; thence easterly along the north line of said township to the northeast corner thereof; thence due east to the east line of said county; thence southerly along the said east line to the place of beginning, shall be and hereby is erected into a separate town by the name of Vernon, and the first town-meeting in the said town of Vernon shall be held at the dwelling-house of Trueman Spencer in said town: And that all the remaining part of said 2
town of Jerusalem shall be and remain a separate town by the name of Jerusalem, and that the next town-meeting of the town of Jerusalem shall be held at the house of Daniel Brown.

II. *And be it further enacted*, That as soon as may be after the 3
first Tuesday of March next, the supervisors and overseers of the poor of the aforesaid towns shall, by notice to be given for that purpose by the supervisors thereof, meet together and apportion

the poor maintained by the said town of Jerusalem, and the poor money belonging to the same, previous to the division thereof, agreeably to the last tax list; and that each of said towns shall for ever thereafter respectively support their own poor.

CHAP. VII.

Contents.

1. Town of Junius erected from part of Washington.
2. Residue of Washington to remain a separate town.
3. Supervisors and Overseers of the Poor, their duty.

An ACT *to divide the Town of Washington, in the County of Cayuga.*

Passed February 12th, 1803.

I. BE *it enacted by the People of the State of New-York, represented*
1 *in Senate and Assembly*, That from and after the last day of February instant, all that part of the town of Washington, in the county of Cayuga, lying north of the Seneca river, and north of the south bounds of lots number six, seven, eight and nine, in the township of Romulus, and north of the south bounds of lots number eighteen, nineteen, twenty and twenty-one, in the late Cayuga reservation, shall be and is hereby erected into a separate town, by the name of Junius; and the first town-meeting in the said town of Junius, shall be held at the dwelling-house of James
2 Cotton, in said town: And all the remaining part of said town, shall be and remain a separate town by the name of Washington, and the first town-meeting shall be held at the dwelling-house of Vincent Runyon, in said town of Washington.

3 II. *And be it further enacted*, That as soon as may be after the first Tuesday of March next, the supervisors and overseers of the poor of the said towns of Washington and Junius, on notice being first given by the said supervisors for that purpose, shall meet together and divide the money and poor belonging to the said town of Washington, previous to the division thereof, agreeably to the last tax list, and that each of the said towns shall for ever thereafter respectively support their own poor.

CHAP. VIII.

Contents.

1. Town of Jefferson erected from part of Blenheim.
2. Residue of Blenheim to continue a separate town.
3. Supervisors and Overseers of the Poor, their duty.

An ACT *to divide the Town of Blenheim, in the County of Schoharie.*

Passed February 12th, 1803.

I. BE *it enacted by the People of the State of New-York, represented*
1 *in Senate and Assembly*, That from and after the last day of February instant, all that part of the town of Blenheim, in the

county of Schoharie, comprehended within the following bounds, to wit: beginning at the northweſt corner of the aforeſaid town of Blenheim, and running from thence on the north line of ſaid town eaſtward to the eaſt ſide of the third range of lots in Blenheim patent; thence ſoutherly between the third and fourth ranges of ſaid lots to the diviſion line between the counties of Schoharie and Delaware; thence on the ſaid diviſion line, between the counties of Schoharie and Delaware, to the county of Otſego; and from thence, on the ſaid diviſion line between the counties of Otſego and Schoharie, to the place of beginning, be and hereby is erected into a ſeparate town by the name of Jefferſon, and that the first town-meeting in the ſaid town be holden at the houſe of Stephen Judd: And that all the remaining part 2
of the town of Blenheim, ſhall be and remain a ſeparate town by the name of Blenheim, and the next town-meeting in the ſaid town ſhall be held at the dwelling-houſe of Aſa Tyler.

II. *And be it further enacted*, That as ſoon as may be after the 3
firſt Tueſday of March next, the ſuperviſors and overſeers of the poor of the ſaid towns of Blenheim and Jefferſon, ſhall by notice for that purpoſe by them to be given, meet together and divide the money and poor belonging to the ſaid town of Blenheim, previous to the diviſion thereof, between the ſaid towns of Blenheim and Jefferſon, agreeably to the laſt tax liſt, and that each of the ſaid towns ſhall for ever thereafter reſpectively maintain their own poor.

CHAP. IX.

Contents.

2. Town of Ellisburgh erected from part of Mexico.
3. Harrisburgh from part of Turin.
1. Martinsburgh from parts of Lowville, Champion and Mexico.
4. Residue of Turin, Lowville, Champion and Mexico to continue separate towns.

An ACT *for erecting three new Towns in the County of Oneida.*

Paſſed February 22d, 1803.

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That from and after the laſt day of 1
February inſtant, all thoſe parts of the town of Turin, in the county of Oneida, diſtinguiſhed on the ſurveyor-general's ſtate map by two certain townſhips in Macomb's purchaſe, named Perſia and Cornelia, bounded northerly by the towns of Mexico and Lowville, weſterly, eaſterly and southerly by the remaining part of the town of Turin, ſhall be erected into a new town by the name of Martinsburgh, and the firſt town-meeting ſhall be held at the houſe now or lately occupied by Eliud Stephens: That 4
all thoſe parts of the town of Mexico, known by the townſhip of Ellisburgh, and townſhip number ſix, diſtinguiſhed on the aforeſaid map by the names of Minos and Henderſon, ſhall be

erected into a town by the name of Ellisburgh, and the first town-
3 meeting be held at the house of Lyman Ellis: That all those parts of the towns of Lowville, Champion and Mexico, known by townships number five and ten, distinguished on the aforesaid map by the names of Platina and Mantua, shall be erected into a town by the name of Harrisburgh, and the first town-meeting be held
4 at Jesse Blodget's; and that all the remaining parts of the towns of Turin, Lowville, Champion and Mexico, shall be and remain separate towns by the names of Turin, Lowville, Champion and Mexico, and that the next annual town-meetings to be held in said towns, shall be held at the places to which they respectively stand adjourned.

CHAP. XI.

Contents.

1. Town of Dryden erected from part of the town of Ulysses.
2. Residue of Ulysses to continue a separate town.
3. Supervisors and Overseers of the Poor, their duty.

An ACT *to divide the Town of Ulysses, in the County of Cayuga.*

Passed February 22d, 1803.

I. BE *it enacted by the People of the State of New-York, represented*
1 *in Senate and Assembly*, That from and after the day preceding the first Tuesday of March next, all that part of the town of Ulysses, in the county of Cayuga, known by the name of Dryden, and so distinguished on the map of the surveyor-general of this state, on record in the secretary's office, shall be and hereby is erected into a separate town by the name of Dryden; and the first town-meeting in the said town of Dryden, shall be held at the
2 dwelling-house of George Robertson, in said town: And that all the remaining part of the said town of Ulysses, shall be and remain a separate town by the name of Ulysses, and the next annual town-meeting in the said town of Ulysses, shall be held at the place to which the same now stands adjourned.

3 II. *And be it further enacted*, That as soon as may be after the first Tuesday of March, in the year one thousand eight hundred and three, the supervisors and overseers of the poor of the said towns of Ulysses and Dryden, on notice being first given by said supervisors for that purpose, shall meet together and divide the money and the poor belonging to the said town of Ulysses, previous to the division thereof, agreeable to the last tax list, and that each of the said towns shall for ever thereafter respectively support their own poor.

CHAP. XIII.

Contents.

1. Town of Sullivan erected from part of the town of Cazenovia.
2. Residue of Cazenovia to continue a separate town.
3. Supervisors and Overseers of the Poor, their duty.

An ACT *to divide the Town of Cazenovia, in the County of Chenango.*

Passed February 22d, 1803.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That from and after the last day of 1
February instant, all that part of the town of Cazenovia lying north of the mile strip, in the late Oneida reservation, and said line continued east and west to the east and west lines of the present town of Cazenovia, shall be and is hereby erected into a separate town by the name of Sullivan, and that the first town-meeting shall be held at the house of Zebulon Douglas in said town: And that all the remainder of the town of Cazenovia 2
shall be and remain a separate town by the name of Cazenovia, and the next town-meeting shall be held at the house of Ebenezer Johnson in said town.

II. *And be it further enacted*, That as soon as may be, after 3
the first Tuesday of March next, the supervisors and overseers of the poor of the aforesaid towns, on notice being previously given by said supervisors for that purpose, shall meet and divide the poor and money belonging to the said town of Cazenovia previous to the division thereof, agreeable to the last tax list; and that each of the said towns shall for ever thereafter respectively support their own poor.

CHAP. XVI.

An ACT *to correct and establish the Bounds of the Town of Steuben.*

Passed February 22d, 1803.

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That all such parts of the patent of land granted to the late Baron De Steuben, as are now comprehended in the towns of Trenton and Remsen, be and the same are hereby annexed to the town of Steuben, any law to the contrary notwithstanding.

CHAP. XIX.

Contents.

1. Town of Guilderlandt erected from part of Watervliet.
2. Residue of Watervliet to remain a separate town.
3. Supervisors and Overseers of the Poor, their duty.

An ACT *for dividing the Town of Watervliet, in the County of Albany.*

Passed February 26th, 1803.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That from and after the fourth day 1

of April next, all that part of the town of Watervliet, in the county of Albany, within the following bounds, to wit: bounded on the ſouth by the town of Bethlehem, on the weſt by the town of Bern, northweſt by Princetown, northerly by the city of Schenectady, and north by the ſouth bounds of the city of Albany, be and hereby is erected into a ſeparate town, by the name of Guilderlandt, and the firſt town-meeting ſhall be held at the dwelling-houſe of Henry Apple, in ſaid town.

2 II. *And be it further enacted*, That all the remaining part of the town of Watervliet ſhall be and remain a ſeparate town, by the name of Watervliet, and the firſt town-meeting in the ſaid town of Watervliet, ſhall be held at the dwelling-houſe of William Kain, in ſaid town.

3 III. *And be it further enacted*, That as ſoon as may be after the firſt Tueſday of April next, the overſeers of the poor and the ſuperviſors of the ſaid towns ſhall, after due notice being given for that purpoſe, by the ſuperviſors of the ſaid towns, meet together and apportion the money and poor belonging to the ſaid town of Watervliet, previous to the diviſion thereof, agreeably to the laſt ſtate tax liſt; and that for ever thereafter each of the ſaid towns ſhall ſupport and maintain their own poor.

CHAP. XXIV.

Contents.

1. Town of Greenwich erected from part of Argyle.
2. Residue of Argyle to continue a separate town.
3. Supervisors and Overseers of the Poor, their duty.

An ACT *for dividing the Town of Argyle, in the County of Washington.*

Paſſed March 4th, 1803.

I. BE *it enacted by the People of the State of New-York, represent-*
1 *ed in Senate and Assembly*, That from and after the firſt Monday of April next, all that part of the town of Argyle, in the county of Waſhington, lying ſouth of a line to be drawn from the weſt bounds of the ſaid county, at a point due weſt from the northweſt corner of a farm now occupied by Solomon Smith, then running eaſt to the ſaid corner and on the north line of the ſaid farm to the weſt line of Argyle patent; thence running ſoutherly on the ſaid weſt line of the Argyle patent, to the north line of a patent granted to Donald Campbell and others in the year one thouſand ſeven hundred and ſixty-three; thence running eaſterly as the north line of the ſaid Campbell's patent now runs, to the northeaſt corner thereof; thence on a direct line to the northweſt corner of number twenty-nine in the Argyle patent; from thence running due eaſt to Salem weſt line, ſhall be and hereby is erected into a ſeparate town by the name of Greenwich, and the firſt town-meeting ſhall be held at the Baptiſt meeting-houſe in ſaid town.

2 II. *And be it further enacted*, That all the remaining part of the

town of Argyle, shall be and remain a separate town by the name of Argyle, and the first town-meeting shall be held at the dwelling-house of John White in said town.

III. *And be it further enacted*, That as soon as may be after the 3
first Tuesday of April next, the overseers of the poor and the supervisors of the said towns, shall, after due notice being given for that purpose by the supervisors of said towns, meet together and apportion the money and poor belonging to the said town of Argyle, previous to the division thereof, agreeable to the last tax list; and that each of the said towns shall for ever thereafter support their own poor.

CHAP. XXXVI.

Contents.

1. Town of Thompson erected from part of Mamakating.
2. Residue of Mamakating to continue a separate town.
3. Supervisors and Overseers of the Poor, their duty.

An ACT *to divide the Town of Mamakating, in the County of Ulster.*

Passed March 19th, 1803.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That from and after the first
Monday in April next, all that part of the town of Mamakating 1
situate, lying and being within the following limits and bounds: beginning on the line of Rochester four miles westerly from the public highway which leads from Kingston to Minnisinck, running from thence southerly so as to strike the line which divides the towns of Mamakating and Deerpark, four miles and a half westerly of the aforesaid road leading from Kingston to Minnisinck; from thence westerly along the line of Deerpark to the Mongaap creek; from thence northerly along the west branch of the Mongaap to where it intersects the line of the town of Nevisink; then easterly along the town of Nevisink to the town of Rochester; thence easterly along the town of Rochester, to the place of beginning, shall be and is hereby erected into a separate town, by the name of Thompson; and the first town-meeting of the said town of Thompson shall be held at the house of Abraham Wearring in said town: And that all the remaining 2
part of the town of Mamakating shall be and remain a separate town, by the name of Mamakating; and the next annual town-meeting of the said town of Mamakating shall be held at the place to where it now stands adjourned.

II. *And be it further enacted*, That as soon as may be after the 3
first Tuesday in April next, the supervisors and overseers of the poor of said towns of Mamakating and Thompson, on notice being first given by the said supervisors for that purpose, shall meet together at the house of Johannis Mastin, in the town of Mamakating, and divide the money and the poor belonging to the town of Mamakating previous to the division thereof, agreeable to the last tax list, and that each of the said towns shall for ever thereafter respectively maintain their own poor.

CHAP. XLIII.

Contents.

2. Town of Granger erected from part of Livingston.
3. Gallatin, erected from the same.
1. Livingston, residue thereof to remain a separate town—boundaries described.
4. Supervisors and Overseers of the Poor, their duty.
5. Hartwick, in Otsego County, northern bounds thereof altered.

An ACT *to divide the Town of Livingston, in the County of Columbia, into three Towns, and for other Purposes.*

Passed March 19th, 1803.

1 I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That from and after the passing of this act, that part of the town of Livingston, in the county of Columbia, lying west of a straight line to be run from the northeast corner of the house of Frederick Houser, in the town of Claverack, to Roeloof Jansen's kill, striking the northeast corner of the house wherein Thomas Swart now lives, shall be and remain a separate and distinct town, by the name of Livingston; and that the first town-meeting therein shall be held at the house now occupied by Abraham Post; and that the remaining part of the said
2 now town of Livingston shall be and hereby is erected into two towns, in manner following, to wit: those certain lots known as lots number one and two, shall be and hereby are erected into a separate and distinct town, by the name of Granger; and that the first town-meeting therein shall be held at the house of Jonas Mil-
3 ler; and that the residue of the said town, known as lots number three and four, shall be and hereby is erected into a separate and distinct town, by the name of Gallatin; and that the first town-meeting therein shall be held at the house now occupied by John C. Kline.

4 II. *And be it further enacted*, That as soon as may be after the first Tuesday in April next, the supervisors and overseers of the poor of the towns of Livingston, Granger and Gallatin aforesaid, on notice being previously given by said supervisors for that purpose, shall meet and divide the money and poor belonging to the said town of Livingston, previous to the division thereof agreeable to the last tax list, and that each of the said towns shall for ever after support their own poor.

5 III. *And be it further enacted*, That from and after the last Tuesday of February next, the north line of the town of Hartwick in the county of Otsego, shall be established in the following manner, to wit: beginning at a beech tree in the east line of Smith's tract, in Croghan's patent, at the southwest corner of Theophilus Whaley's land; thence east along an old line of marked trees, on the south line of said Whaley's and Abel Sill's land, and the south line of the twelve thousand acre tract, and continued to the middle of the river Oaks; thence down the middle of the river to the Susquehannah river.

CHAP. LII.

Contents.

1. Canton erected from parts of Catskill, Coxsackie and Freehold.
2. Greenfield from parts of Coxsackie and Freehold.
3. Windham, parts of Catskill and Freehold annexed to.
4. Residue of Catskill, Coxsackie and Freehold to remain separate towns.
5. Supervisors and Overseers of the Poor, their duty.

An ACT *for dividing certain Towns in the County of Greene.*

Passed March 26th, 1803.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That from and after the first Monday of April next, all those several parts of the towns of Catskill, Coxsackie and Freehold, included in the following bounds, viz. Beginning at an oak tree, on the bank of the Peetick creek, near the fulling mill of Ezekiel Benton, in the town of Coxsackie; thence northerly along said creek, until it intersects the Schoharie turnpike road, at or near the dwelling-house of Calvin Wright; thence westerly along said turnpike road, until it intersects the west line of the town of Coxsackie; thence southerly to where it intersects the Susquehannah turnpike road, two chains south of the dwelling-house of Daniel Crane; thence in a direct line until it intersects the Batavia road, one chain north of the dwelling-house of Bildad Hines; thence continuing said line to the summit of the Catskill mountains; thence southerly along the top of said mountains, until it intersects the line run from the place of beginning, which said line is south sixty degrees west; thence to the place of beginning; shall be and hereby are erected into a separate town by the name of Canton; and the first town-meeting shall be held at the dwelling-house of Mary Carbine. 1

II. *And be it further enacted*, That all those several parts of the towns of Coxsackie and Freehold, included in the following bounds, viz. Beginning on the northwest bounds of the patent of Augustus Prevost; thence easterly along the lines of Freehold and Rensselaerville, until it strikes the west line of the town of Coxsackie; thence easterly along the line of Coxsackie and Coeymans, three and an half miles; thence southerly on a parallel line with the west line of the town of Coxsackie, until it intersect the Schoharie turnpike road; thence westerly along said turnpike road, until it intersects the west line of the town of Coxsackie; thence south sixty-five degrees and thirty-six minutes west, to the middle of Catskill creek; thence up the middle of said creek, so far as where a straight line to be drawn from the west line of Augustus Prevost's patent, will intersect said patent of Augustus Prevost; thence to the place of beginning; shall be and are hereby erected into a separate town by the name of Greenfield; and the first town-meeting shall be held at the dwelling-house of Eli Knowles. 2

3 III. *And be it further enacted*, That all thoſe ſeveral parts of the towns of Catſkill and Freehold, lying weſt and ſoutherly of the ſummit of the Catſkill mountain, ſhall be and are hereby annexed to the town of Windham.

4 IV. *And be it further enacted*, That all the remaining parts of the towns of Catſkill, Coxſackie and Freehold, ſhall continue to be and remain ſeparate towns, and retain their former names.

5 V. *And be it further enacted*, That as ſoon as may be after the firſt Tueſday of April next, the overſeers of the poor and the ſupervisors of the ſaid towns, ſhall after due notice being given for that purpoſe, by the ſupervisors of the ſaid towns, meet together and apportion the money and poor belonging to the ſaid towns, previous to the diviſion thereof agreeable to the laſt tax liſt, and that each of the ſaid towns ſhall for ever thereafter reſpectively maintain their own poor.

CHAP. LXXXIII.

CONTENTS.

1. Town of Tully erected from Fabius.
2. Residue of Fabius to continue a separate town.
3. Supervisors and Overseers of the Poor, their duty.

An ACT *to divide the Town of Fabius, in the County of Onondaga.*

Paſſed April 4th, 1803.

I. BE *it enacted by the People of the State of New-York, represent-*
1 *ed in Senate and Assembly*, That from and after the firſt Monday in March next, all that part of the town of Fabius, in the county of Onondaga, known by the name of Tully, together with all that part of the townſhip of Sempronius, lying eaſt of Skeneatelas lake, and diſtinguiſhed on the map of the ſurveyor-general of this ſtate, as will appear on record in the ſecretary's office, ſhall be and the ſame is hereby erected into a ſeparate town by the name of Tully, and the firſt town-meeting in the ſaid town of Tully, ſhall be held at the dwelling-houſe of Samuel
2 Trowbridge, in ſaid town; and that all the remaining part of the town of Fabius, ſhall be and remain a ſeparate town by the name of Fabius.

3 II. *And be it further enacted*, That as ſoon as may be after the firſt Tueſday in March next, the ſupervisors and overſeers of the poor of the ſaid towns of Fabius and Tully, on notice being firſt given by the ſaid ſupervisors for that purpoſe, ſhall meet together and divide the money and poor belonging to the town of Fabius previous to the diviſion thereof, agreeable to the laſt tax liſt, and that each of the ſaid towns ſhall for ever thereafter reſpectively maintain their own poor.

Counties and Towns.

CHAP. LXIX.

Contents.

8. Courts in St. Lawrence, when to be held at the new Court-House.
2. Town of De Ruyter, bounds thereof altered.
1. Hamilton, ditto.
3. Ontario county, part of Cayuga annexed to.
5. St. Lawrence county, Supervisors of, to receive subscription monies and apply the same to building a Court-House and Gaol.---6. to account with the Judges of the county.
7. Sheriff of, when authorized to remove his prisoners to the new Gaol.
9. -------- what security necessary for him to give.
4. Town of Vernon, part of Jerusalem annexed to.

An ACT *to amend an Act, entitled "An Act to divide the Counties of this State into Towns.*

Passed April 2d, 1803.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That from and after the passing 1
of this act, all that part of the county of Chenango, comprehending the second, third, fourth and fifth of the twenty townships in said county, shall be and continue a town by the name of Hamilton, and that so much of the act, entitled "An Act to divide the counties of this state into towns," as respects the town of Hamilton, shall be and hereby is repealed.

II. *And be it further enacted*, That all that part of the said 2
county of Chenango, bounded northerly by Cazenovia, west by the west bounds of the county, southerly by a line beginning at the southwest corner of a tract of land commonly called De Ruyter township; thence easterly to the west line of the twenty townships; thence north to the southwest corner of township number seven; thence east to the southeast corner thereof; then north by the west line of Sherburne and Hamilton, shall be and continue a town by the name of De Ruyter. *And whereas* part of the towns of Seneca and Jerusalem, as the same are described in the act, entitled "An Act for dividing the counties of this state into towns," passed 7th April, 1801, is included within the bounds of the county of Cayuga: Therefore,

III. *Be it further enacted*, That so much of the county of 3
Cayuga as is included within the towns of Seneca and Jerusalem, as described in the said act, be and the same is hereby annexed to the county of Ontario; and so much thereof as is included 4
within the said town of Jerusalem shall be and the same is hereby annexed to the town of Vernon, and the residue thereof shall belong to the town of Seneca.

IV. *And be it further enacted*, That it shall be lawful for the su- 5
pervisors of the county of St. Lawrence, and they are hereby authorized to receive the monies subscribed by the inhabitants of the said county, for building a court-house and gaol on the east

ſide of the mouth of the Oſwegotchie river, oppoſite to the old
6 barracks, and to apply ſuch monies for building the ſaid court-houſe and gaol in ſuch manner as they or the majority of them ſhall judge moſt for the intereſt of the ſaid county, and ſhall account for the expenditures of the ſaid money, with the judges of the court of common pleas for the ſaid county.

7 V. *And be it further enacted*, That as ſoon as the ſaid ſuperviſors, or a majority of them, ſhall by writing under their hands certify to the ſheriff of the ſaid county, that the gaol hereby authorized to be built, is fit for the reception of priſoners, it ſhall and may be lawful for the ſaid ſheriff, after filing the ſaid certificate in the office of the clerk of the ſaid county, to remove the priſoners into the ſaid gaol; which gaol thereafter ſhall be the
8 gaol of the ſaid county: and that as ſoon as the ſaid court-houſe is finiſhed ſufficiently, ſo as to be comfortable for holding court, and a certificate thereof by the ſaid ſuperviſors, or a majority of them, delivered to the judges of the ſaid court, and filed in the clerk's office, ſhall thereafter be the court-houſe for the ſaid county, to all intents and purpoſes.

9 VI. *And be it further enacted*, That until further order of the legiſlature it ſhall not be neceſſary for the ſheriff of the ſaid county to give bonds to the people of this ſtate for a larger ſum than four thouſand dollars, himſelf in one thouſand dollars, and ſix ſureties in five hundred dollars each.

City of New-York.

CHAP. X.

Contents.

1. Commiſsioner of Exciſe, his compenſation.—2. His duty.

An ACT *eſtabliſhing an Allowance to the Commiſsioner of Exciſe in the City and County of New-York, and for other Purpoſes therein mentioned.*

Paſſed February 22d, 1803.

1 BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That from and after the paſſing of this act, the commiſſioner of exciſe for the city and county of New-York, for the time being, ſhall be entitled for his ſervices to the ſum of five hundred dollars per annum, inſtead of the compenſation now allowed by law, which it ſhall and may be lawful for him to retain out of the monies which ſhall or may come in-
2 to his hands from the duty of exciſe aforeſaid: And further, that the ſaid commiſſioner ſhall keep an account of the perſons to whom licences ſhall be granted in the ſaid city and county, and of the ſums by each of the ſaid perſons paid therefor, and file the ſame with the chamberlain of the ſaid city on or before the laſt day of April in every year, inſtead of the time at preſent directed by law.

CHAP. XXIX.

Contents.

4. Common Council, what to constitue a quorum of the Board of.
1. Wards, encreased to nine.
2. -------- Boundaries thereof described.
3. -------- Officers to be chosen in each of them.

An ACT *to increase the Number of Wards in the City of New-York, and to equalize the same.*

Passed March 8th, 1803.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That from and after the first day 1
of October next, the city of New-York shall be and hereby is divided into nine wards, in the manner following, that is to say;
The first ward shall begin in the middle of Pearl-street, at the 2
place where it is intersected by Pine-street, and run from the said point of intersection along the middle of Pine-street to and across the East river, in the same direction to low water mark on Nassau island, and then along Nassau island shore at low water mark unto the south side of Red-hook, and then across the North river so as to include Nutton island, Bedlow's island, Bucking island and the Oyster islands, to low water mark on the west side of Hudson's river, or so far as the bounds of this state extend there, and up along the west side of Hudson's river, at low water mark, or along the limits of this state, to a place due west from the middle of the west end of Thames-street; then due east to the middle of Thames-street; then along the middle thereof to the middle of Broadway; then along the middle thereof to a place opposite to the middle of Pine-street; then along the middle thereof to the place of beginning.

The second ward shall begin at the southeasterly corner of the first ward, and run along the easterly bounds thereof, across the East river, to and along the middle of Pine-street, to the middle of Nassau-street; then along the middle of Nassau-street to a point opposite the middle of George-street; then along the middle of George-street to and along the middle of Gold-street, to the middle of Ferry-street; thence along the middle of Ferry-street and Peck-slip, on a direct line across the East river, to Nassau island, at low water mark; then along Nassau island, at low water mark, to the beginning.

The third ward shall begin on the west side of Hudson's river, at the northwesterly corner of the first ward; thence due east along that line across Hudson's river to the middle of Thames-street; then along the middle thereof to the middle of Broadway; then along the middle of Broadway, to a place opposite to the middle of Pine-street; then along the middle of Pine-street to and along the middle of Nassau-street, to a place opposite to the middle of Murray-street; then to and along the middle of Murray-street to Hudson's river, and then continuing the same course across Hudson's river to low water mark on the west side

thereof, or ſo far as the bounds of this ſtate extend there, and ſo down along the weſt ſide of Hudſon's river at low water mark, or along the limits of this ſtate, to the place of beginning.

The fourth ward ſhall begin at the northerly corner of the ſecond ward, and run along the bounds of the third ward, and middle of Chatham-ſtreet to a place oppoſite to the middle of Catharine-ſtreet, and then to and along the middle of Catharine-ſtreet to the Eaſt river, and continuing the ſame courſe acroſs the Eaſt river, to low water mark, on Naſſau iſland; then along Naſſau iſland ſhore, at low water mark, to the bounds of the ſecond ward; and then northerly, along the ſame, to the place of beginning.

The fifth ward ſhall begin at the northweſterly corner of the third ward, and run along the northerly bounds thereof, to the middle of Broadway; then along the middle of Broadway, to the middle of the ſtone arch, built acroſs the ſtream running out of the freſh water pond, and then along the middle of the ſaid ſtream of water to Hudſon's river, and then due weſt to low water mark on the weſt ſide of Hudſon's river, or ſo far as the bounds of this ſtate extend there, and ſo down along the weſt ſide of Hudſon's river, at low water mark, or along the limits of this ſtate, to the beginning.

The ſixth ward ſhall begin at the place where Murray-ſtreet interſects Broadway; thence along the middle of Broadway to the middle of Grand-ſtreet; then along the middle of Grand-ſtreet to the middle of the Bowery road; thence along the middle of Bowery road to the middle of Chatham-ſtreet; then along the middle of Chatham-ſtreet to a place oppoſite to the middle of Murray-ſtreet; then along the middle of Murray-ſtreet to the place of beginning.

The ſeventh ward ſhall begin at the ſoutheaſterly corner of the fourth ward; thence along the northerly boundary of ſaid ward to the boundary of the ſixth ward; then along the boundary of the ſixth ward to Bowery road; thence along the middle of Bowery road to a place oppoſite to the middle of Stuyveſant-ſtreet; then along the middle of Stuyveſant-ſtreet, in front of St. Mark church, to the Eaſt river, and on a direct courſe to low water mark on Naſſau iſland, and then along Naſſau iſland ſhore, at low water mark, to the place of beginning.

The eighth ward ſhall begin at the northweſterly corner of the fifth ward, and thence along the northerly bounds of the fifth ward, and along the boundary of the ſixth ward, to the middle of Bowery road; then along the middle of Bowery road to a place oppoſite to the middle of Love-lane; then down along the middle of Love-lane, and on the ſame courſe, to low water mark on the weſt ſide of Hudſon's river, or ſo far as the limits of this ſtate extend there, and ſo down along the weſt ſide of Hudſon's river at low water mark; or along the limits of this ſtate to the beginning.

The ninth ward ſhall include all the reſidue of the ſaid city.

II. *And be it further enacted*, That the electors of each ward
3 ſhall annually chooſe, according to law, one alderman and one aſ-

ſiſtant, two aſſeſſors, one collector and two conſtables; and that not 4
leſs than the mayor or recorder and five aldermen and five aſſiſtants, ſhall be a quorum of the common council of ſaid city, or be competent to do any buſineſs.

CHAP. XXXVIII.

Contents.

1. Corporation may raise 45,000 dolls. on Estates in the City, and $ 30,000 dollars on Estates within a certain Part thereof.
4. Fees for Collection.
3. Taxes, how to be levied and collected.

An ACT *to enable the Mayor, Recorder and Aldermen of the City of New-York to order the raising Monies by Tax for the Purposes therein mentioned.*

Paſſed March 19th, 1803.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the mayor, recorder 1
and aldermen of the city of New-York, or the major part of them, of whom the mayor or recorder ſhall be one, be and they are hereby empowered, as ſoon as conveniently may be after the firſt day of May next, to order the raiſing a ſum not exceeding forty-five thouſand dollars, by a tax on the eſtates, real and perſonal, of the freeholders and inhabitants within the ſaid city and county of New-York, to be applied to the ſupport and maintenance of the poor of the ſaid city and county, the ſupport and repairs of the Bridewell, the ſupport and maintenance of criminal priſoners, the making, repairing, regulating and improving the public roads and ſtreets, and the defraying other contingent expences ariſing within, and properly chargeable to the ſaid city and county; and
alſo a further ſum not exceeding thirty thouſand dollars, by a 2
tax on the eſtates, real and perſonal, of the freeholders and inhabitants within the ſaid city, to the ſouthward of a line beginning at the outlet of the meadow of Anthony Liſpenard into Hudſon river, thence extending to and along the north ſide of the dwelling-houſe late of Nicholas Bayard, deceaſed; thence along the middle of William-ſtreet to and acroſs the Bowery lane, to Bullock-ſtreet, to the Eaſt river, to be applied to the payment of ſo many watchman as the mayor, aldermen and commonalty of the ſaid city, in common council convened, ſhall from time to time determine to be neceſſary for guarding the ſaid city; to the purchaſe of oil, providing lamps, and repairing and attending thoſe which now are or hereafter may be erected in the ſaid city; to the cleaning, repairing and making the public wells and pumps in the ſaid city, and to defray the other contingent expences, ariſing in and properly chargeable to that part of the ſaid city which lies to the ſouthward of the line aforeſaid, as the ſaid mayor, aldermen and commonalty, in common council convened, may from time to time direct, and for ſupplying the deficiences

of former taxes upon the ſame part of the ſaid city, owing to inſolvencies and fees of collection not heretofore provided for.

3 II. *And be it further enacted*, That the ſaid ſeveral ſums of money ſhall be aſſeſſed and collected in the manner directed by the act, entitled "An Act for the aſſeſſment and collection of taxes," and be collected in one payment, and paid into the hands of the treaſurer or chamberlain of the ſaid city, at ſuch time after the ſaid firſt day of May next as the ſaid mayor, recorder and aldermen, or the major part of them, of whom the mayor or recorder ſhall be one, ſhall direct or appoint.

4 III. *And be it further enacted*, That it ſhall be lawful for the collectors of the firſt, fourth, fifth and ſixth wards of the ſaid city, to retain in their hands four cents on each dollar; and for the collectors of the ſeventh ward, to retain in their hands five cents on each dollar; and the collectors of the ſeveral other wards of the ſaid city, to retain in their hands three cents on each dollar by them collected, and no more, for their trouble in collecting and paying to the chamberlain of the ſaid city, ſuch ſum of money as ſhall be raiſed by virtue of this act.

CHAP. LXII.

An ACT *to increase the Number of Auctioneers in the City of New-York.*

Paſſed March 31ſt, 1803.

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it ſhall and may be lawful for the perſon adminiſtering the government of this ſtate, by and with the advice and conſent of the council of appointment, to appoint annually for ever hereafter, ſix auctioneers in and for the city and county of New-York, in addition to the number heretofore preſcribed by law.

CHAP. LXX.

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An ACT *to invest the Mayor, Aldermen and Commonalty of the City of New-York with adequate Powers in Relation to certain Objects of Importance to the Police and Health of the said City.*

Passed April 2d, 1803.

WHEREAS the general welfare of the state is connected with the safety and health of the city of New-York, which has been visited by destructive and epidemic disease, the causes of which, as far as human wisdom can discover, ought to be removed, and such measures adopted as, by divine favour, may prevent the return of that fatal malady. *And whereas* it is represented to the legislature, that noxious exhalations from sunken and damp lots of ground, deep damp cellars, narrow and confined streets, foul and ill-constructed sinks, and privies unfinished, water lots, foul slips, putrid or unsound provisions, and other evils of a similar nature, together with the practice of interring the dead in the heat of summer in improper places, and without due precau-

tions, are among the cauſes, to which the exiſtence or malignity of that diſeaſe may be in a great meaſure attributed: Therefore, to remedy the ſaid evils,

I. *Be it enacted by the People of the State of New-York, represented*
1 *in Senate and Assembly*, That the mayor, aldermen and commonalty of the ſaid city, in common council convened, ſhall have full power and authority to make and paſs ſuch bye-laws and ordinances as they ſhall from time to time deem neceſſary and proper for the filling up, draining and regulating of any grounds, yards or cellars within the ſaid city, that may be ſunken, damp, or unwholeſome, or which they may deem proper to fill up, drain, raiſe, lower or regulate; and alſo, for cauſing all ſuch lots of ground in the ſaid city, adjoining to Hudſon's river or to the Eaſt river or Sound, as they may from time to time think proper, to be filled up with wholeſome earth, or other ſolid materials, ſo far into the ſaid rivers reſpectively as they ſhall from time to time deem
2 expedient for promoting the health of the ſaid city; and for compelling the proprietors of ſuch lots to make ſuitable bulk-heads on, adjoining or oppoſite to ſuch lots, and to raiſe and fill up the ſame with ſuch materials and in ſuch manner and within ſuch times as the ſaid mayor, aldermen and commonalty ſhall from
3 time to time direct; and alſo for filling up, altering and amending of all public ſlips in the ſaid city, at ſuch times and in ſuch
4 manner as they may deem proper; and for filling up or altering and amending all ſinks and privies within the ſaid city, and for directing the mode of conſtructing them in future, and for cauſing ſubterraneous drains to be made from the ſame, where they may
5 think it neceſſary; and for regulating or if they find it neceſſary,
6 preventing the interment of the dead within the ſaid city; and for the better regulating of boarding-houſes and taverns in the ſaid city, and the preventing the reſort of crowds of diſorderly perſons
7 to them; and for preventing the digging or turning up of made ground or grounds formerly covered with water, during the ſummer months without their premiſſion.

8 II. *And be it further enacted*, That ſuch penalties may be contained in ſuch bye-laws or ordinances as the ſaid mayor, aldermen and commonalty, ſhall or may from time to time think proper, in order to enforce a prompt and punctual compliance with the ſame, and for the puniſhment of all offenders in the premiſes, not ex-
9 ceeding one hundred dollars for each offence; and that the ſaid mayor, aldermen and commonalty may from time to time make laws for the regulating of pawn brokers, and dealers in the pur-
10 chaſe or ſale of ſecond hand furniture, metals or cloths; and that every perſon carrying on either of the ſaid callings, trades or dealings, ſhall have a licence from the mayor of the ſaid city for the ſame, under the directions of the mayor, aldermen and common-
11 alty of the ſaid city, and ſhall enter into a recognizance in the penalty of one hundred dollars, conditioned for the obſervance of ſuch ordinances as may be made by the common council of the
12 ſaid city in the premiſes; and the ſaid common council are here-

by authorized and empowered to make bye-laws and regulations relative to the taxing and destroying of dogs within the said city.

III. *And be it further enacted*, That it shall and may be lawful 13
for the said mayor, aldermen and commonalty, in common council convened, to appoint one or more persons as inspectors of lots in the said city, who shall have power at all times between sun 14
rise and sun set, to enter into any cellar, lot of ground or building of any kind, and to examine the state thereof, and to report the same to the said common council, whenever he or they shall judge that the health of the city may require any alterations or regulations therein.

IV. *And be it further enacted*, That in all cases where the said 15
bye-laws or ordinances shall require any thing to be done, by or with respect to the property of several persons, or in relation to the filling up, altering or amending any of the public slips in the said city, the said mayor, aldermen and commonalty, in common council convened, shall cause the expense of such works to be estimated and assessed in the same manner as is by law directed, with respect to the paving, altering or regulating the public streets in the said city; and where the same shall relate to the filling up, 16
altering or amending the public slips as aforesaid, one third of the expence attending the same shall be borne by the said mayor, aldermen and commonalty, and the residue by the persons in the vicinity who may be benefitted thereby, and in other cases such expenses shall be borne by the persons respectively upon whom the same may be assessed as aforesaid.

V. *And be it further enacted*, That it shall and may be lawful 17
for the said mayor, aldermen and commonalty, in all cases where they may deem it necessary, for the more speedy execution of the said bye-laws and ordinances, or any of them, to cause all such works as may be necessary for any of the purposes aforesaid, or any part thereof, to be executed and done at their own expense, on account of the persons respectively upon whom the same may be assessed, and shall have full power and are hereby authorized to levy the same, with lawful interest, and all reasonable costs and expenses attending such proceedings by distress and sale of the goods and chattels of the proprietors or occupants of the property upon or by reason of which any such sum shall have been assessed, or to recover the amount of every such expense, by action of debt, in any court of record, from the persons respectively on whose account the same shall have been incurred, their respective heirs, executors or administrators, in all which actions they shall also recover lawful interest upon the said amount, with full costs of suit.

VI. *And be it further enacted*, That the amount of every such 18
expense which the said mayor, aldermen and commonalty shall pay as aforesaid on account of others, shall be a real incumbrance upon the houses and lots in respect to which such assessments as aforesaid shall have been made, and shall bear lawful interest until paid, and that the same may be recovered; or the payment there-

of, with coſts, enforced in like manner as if the ſaid houſes and lots were mortgaged to the ſaid mayor, aldermen and commonalty, for the payment thereof.

19 VII. *And be it further enacted*, That whenever any perſon ſhall die in the city of New-York, the phyſician or ſurgeon who ſhall have attended ſuch perſon, as a phyſician or ſurgeon, during his or her laſt ſickneſs, ſhall leave a note in writing, ſigned with his name, with ſome one of the family in the houſe where ſuch perſon ſhall have died, ſpecifying the name and apparent age of the
20 deceaſed, and the diſeaſe of which he or ſhe ſhall have died; and every phyſician or ſurgeon refuſing or neglecting to make and
21 deliver ſuch note, ſhall forfeit the ſum of fifty dollars; and that no ſexton of any church, or other perſon having charge of any cemetery, vault or burying ground in the ſaid city, ſhall permit any dead body to be interred therein until he has received ſuch note, in writing, ſo ſigned as aforeſaid; or in caſe no phyſician or ſurgeon ſhall have attended ſuch deceaſed perſon, or the phyſician or ſurgeon who did attend ſhall nave neglected or refuſed to leave ſuch note, then a like note ſigned by ſome of the family in which
22 ſuch perſon ſhall have died, the contents of which note in writing,
23 ſhall be entered by ſuch ſexton on a blank ſchedule, to be furniſhed by the clerk of the city and county aforeſaid, and delivered together with the ſaid ſchedule, on the Saturday in every week, to the ſaid clerk for publication in ſuch form as may be deſignated by any preſent or future ordinance of the mayor, aldermen and
24 commonalty of the city of New-York: and that every ſexton, or other perſon having charge of any place of interment, neglecting or refuſing to perform any of the duties required by this act, ſhall forfeit the ſum of twenty-five dollars.

25 VIII. *And be it further enacted*, That every practitioner of phyſic in the ſaid city, ſhall, whenever called on for that purpoſe by the mayor, or in his abſence by the recorder, give his opinion in writing as to the exiſtence of any infectious or contagious diſeaſe
26 in the ſaid city; and that the ſaid mayor may, when thereunto required, if ſuch opinion will in his judgment warrant it, deliver certificates under his ſeal of office, to maſters of veſſels ſailing from the ſaid city, ſtating the general health of the ſaid city.

27 IX. *And be it further enacted*, That all ſuits for any penalties impoſed by this act, and all penalties or any bonds taken in the ſaid city under the act, entitled "An Act for the ſettlement and relief of the poor," ſhall, whenever the ſame ſhall be deemed to be forfeited, be ſued for, recovered and levied under the direction of the mayor of the ſaid city, in the name of the mayor, aldermen and commonalty of the city of New-York, and the proceeds there-
28 of be by them applied to the public uſe of the ſaid city; and that the common council of the ſaid city may have power to remit or compound for the ſaid penalties or forfeitures, whenever the ſame ſhall appear to them not to have been wilfully or fraudulently incurred.

29 X. *And be it further enacted*, That no new ſtreet ſhall hereafter

be laid out, in the said city, except with the approbation and permission of the mayor, aldermen and commonalty, in common council convened: and that if any street shall be laid out without such permission, it shall be lawful for the said mayor, aldermen and commonalty, by bye-law or ordinances, to direct the same to be stopped up, and all buildings adjoining thereto to be removed by the proprietors or occupants, within such times and under such penalties as they shall think proper.

XI. *And be it further enacted*, That all streets not already named and opened, shall be considered as new streets within the meaning 30
of this act: *Provided*, That no building erected on any such street 31
not already named and opened shall be removed, until it shall be determined, in the mode prescribed in and by the second section of the act, entitled "An Act for regulating the buildings, streets, wharves and slips in the city of New-York," passed the 3d day of April, 1801, what damage or loss the owner of such buildings will sustain by means of such removal, and until the money awarded to such owner shall be paid or tendered to him.

XII. *And be it further enacted*, That whenever any putrid or 32
unsound beef, pork, fish, hides or skins of any kind, shall be found within the said city, it shall be lawful for the said mayor, aldermen and commonalty, or any one of the inspectors of those articles or any of them, or any person or persons acting under them, or any of them, to cause the same to be destroyed, by starting it or casting them into the stream of either of the said rivers, below low water mark, and at a suitable distance from the shore, or in such other manner as the said mayor, aldermen and commonalty, shall or may from time to time direct.

XIII. *And be it further enacted*, That cotton in bales, which is 33
the produce of North-Carolina, South-Carolina, and Georgia, shall and may be brought into the city of New-York at all times. *Provided nevertheless*, That the commissioners of the health office shall be and they are hereby authorized to order and direct all such cotton as may be brought to said city between the first day of June and the first day of November, to be landed and stored in such part of the city as will in their judgment be least injurious to health, any law to the contrary notwithstanding.

XIV. *And be it further enacted*, That in all cases where a pen- 34
alty shall or may be contained in any bye-law or ordinance of the said mayor, aldermen and commonalty, and the same not being higher than twenty-five dollars, a suit shall be brought for the recovery thereof, a warrant (if required) shall issue in the first instance against the defendant, and as soon as judgment shall be obtained for the recovery of such penalty, execution shall issue for the same with costs of suit, without any respite or delay.

XV. *And be it further enacted*, That whenever in the opinion of 35
the mayor, aldermen and commonalty of the city of New-York, in common council convened, it shall be necessary for the public convenience to open, extend, enlarge, straighten or otherwise improve any street or streets in the city of New-York, it shall be

lawful for the said common council to order and direct the same to be done accordingly, in such manner as they shall think most advisable, notwithstanding it may become necessary for that purpose to remove any building or buildings, or to take for that purpose any ground which shall be then built on or otherwise im-
36 proved; and that the said mayor, aldermen and commonalty shall endeavour to treat and agree with the owners of, or those interested, in any building or buildings or ground, to be removed or taken for the purposes aforesaid, as to the compensation to be allowed them respectively for what shall be so taken or removed, and the damages or injury the persons interested therein shall sustain thereby, and to pay them, if they can agree; but if the persons so interested therein, or any of them, shall refuse to treat, or if the common council and the parties, or any of them, cannot agree, then the said common council shall pursue such measures in relation to compensation to be made to or paying the damages and injury which the owners or those interested therein may sustain thereby, as are directed by the second section of the act, entitled "An Act for regulating the buildings, streets, wharves and slips in the city of New-York," passed the 3d day of April, 1801, which directions being complied with, the same shall be binding and conclusive in the manner in the said second section of the said act prescribed, in all respects; and the right to the said streets, when so laid out and made, shall vest in the said mayor, aldermen and commonalty of the city of New-York, in manner aforesaid.

37 XVI. *And be it further enacted*, That all the expenses which the said mayor, aldermen and commonalty of the city of New-York shall incur, and the monies which they shall pay or become bound to pay in consequence of the lawful exercise of the power and authority conferred upon them by this act, shall be estimated and assessed among all the owners or occupants of all the houses and lots of ground intended to be benefitted thereby, in the manner directed in and by the eleventh section of the act, entitled "An Act for regulating the buildings, streets, wharves and slips in the city of New-York," passed the 3d day of April, 1801, and shall be binding and conclusive, and be collected in the manner therein prescribed: *Provided*, That when any building shall be removed or taken for the purposes in and by this act directed or authorized, it shall be in the discretion of the assessors to assess any portion of the sum to be paid therefor, not exceeding one third part thereof, on the mayor, aldermen and commonalty of the city of New-York, who shall be bound to pay the same out of the city treasury.

38 XVII. *And be it further enacted*, That all the forms of proceedings necessary to carry the sixteenth and seventeenth sections of this act, and the powers hereby conferred into effect, shall be conformable as far as shall be practicable to the directions of the act herein last before mentioned and referred to, as though the same were herein again repeated.

XVIII. *And be it further enacted*, That if any person shall be 39
sued for any thing done in pursuance of this act, it shall be lawful for such person to plead the general issue, and to give this act and the special matter in evidence.

XIX. *And be it further enacted*, That this act shall be consider- 40
ed as a public act, and be liberally expounded and construed to advance the ends thereof, and enable the said mayor, aldermen and commonalty to promote the health and improve the police of the said city.

XX. *And be it further enacted*, That this act shall be and continue 41
in force for three years from the passing thereof, and no longer.

XXI. *And be it further enacted*, That it shall be lawful for the 42
sheriff of the city of New-York, to pay out of the surplus monies arising from fines and penalties by him collected, to each of the constables and marshals of the said city, the sum of seventy-five cents, for each and every day they shall respectively attend any of the courts of said city or state, to be holden in said city, upon the certificate of the clerk of such court, that they have duly attended the same.

XXII. *And be it further enacted*, That no person acting as in- 43
spector of the state-prison shall be competent or permitted to act as agent of said state-prison.

XXIII. *And be it further enacted*, That it shall and may be law- 44
ful for the judges of the court of common pleas, called the mayor's court, in the city of New-York, or a majority of them, to alter or change the limits or liberties of the gaol in the said city and county of New-York, as often as they may deem the same proper and necessary, any law to the contrary notwithstanding.

City of Hudson.

CHAP. LV.

Contents.

1, 5. Buildings in the compact part of the city, how to be built.
2. Penalty on proprietors for building contrary to the directions of this act.—3. And on workman.
4. -------- How recovered and applied.
6. Ten Pound Act, part of it repealed so far as it respects Columbia county.

An ACT *for the more effectual Prevention of Fires, and to regulate certain Buildings in the City of Hudson, and for other Purposes.*

Passed March 26th, 1803.

WHEREAS the frequent instances of fire in populous cities renders it necessary to use every possible precaution against such calamities: *And whereas* the regulation of the buildings of the said city will greatly contribute thereto: Therefore,

I. *Be it enacted by the People of the State of New-York, represent-*
1 *ed in Senate and Aſſembly*, That from and after the firſt day of Auguſt next enſuing, every dwelling-houſe or other building, which ſhall be erected or built within the compact part of the ſaid city, (as lately ſurveyed by Jonas Smith) ſhall be made or conſtructed of ſtone or brick, with party or fire walls twelve in-
2 ches above the roof; and if any dwelling-house or other building whatſoever, ſhall be erected contrary to this act, the proprietor or proprietors thereof ſhall for every ſuch offence, forfeit and pay
3 the ſum of one hundred dollars; and the workman who ſhall build ſuch dwelling-houſe or other building contrary to this act, ſhall for every ſuch offence forfeit and pay the ſum of fifty dollars,
4 to be recovered with coſts of ſuit, in any court of record having cognizance of the ſame, by any perſon or perſons who will ſue or proſecute for the ſame to effect, the one moiety or half part of which penalties, when recovered, to be paid to the chamberlain of the ſaid city, for the uſe of the poor thereof, and the other moiety thereof to ſuch perſon as will ſue for the ſame as aſore-
5 ſaid: *Provided always*, That buildings with poſts not to exceed ten feet in height, to ſtand on a wall not to exceed two feet above the level of the ſtreet, may be built of wood and boards, or brick and ſtones, any thing in this act to the contrary notwithſtanding.
6 II. *And be it further enacted*, That ſo much of the ſixth ſection of the act, entitled "An Act for the more ſpeedy recovery of debts to the value of twenty-five dollars," paſſed the ſeventh day of April, one thouſand eight hundred and one, as directs that no perſon ſhall be proceeded againſt by ſummons out of the city, where he or ſhe does reſide, ſhall be and the ſame is hereby repealed ſo far as reſpects to the county of Columbia.

City of Albany and Village of Troy.

CHAP. CV.

Contents.

1. Albany City, remedies of the 16th, 17th and 18th sections of a certain Act relating to, extended.
2. Troy Village, bounds thereof altered.
3. ---------- style and rights of, to continue.
4. ---------- Trustees of, authorized to appoint additional Firemen.

An ACT *to amend the Act, entitled "An Act to reduce the several Laws relating particularly to the City of Albany into one Act, and to make further Alterations in the Charter of the said City.*

Paſſed March 3d, 1803.

I. BE *it enacted by the People of the State of New-York, represent-*
1 *ed in Senate and Aſſembly*, That the remedies given by the ſixteenth, ſeventeenth and eighteenth ſections of the act, entitled "An Act to reduce the ſeveral laws relating particularly to

the city of Albany into one act, and to make further alterations in the charter of the said city," shall be and hereby are extended to all expenses which have been incurred or shall hereafter be incurred by the mayor, aldermen and commonalty of the said city, by reason of the neglect or refusal of any person or persons to obey and conform to any ordinance of the common council of the said city, for pitching, levelling, paving and repairing any of the streets in the said city, or for making any other improvements within the said city, according to the true intent and meaning of the said recited act, or of any other statute of this state; and that the like evidence as is allowed in and by the aforesaid eighteenth section of the said recited act, shall in every case arising under this act be conclusive for the plaintiffs.

II. *And be it further enacted*, That the bounds of the village of 2
Troy, instead of those described in the act of incorporation, shall be as follows, to wit: beginning on the north side of a certain creek called Poesten kill, where there was formerly a saw mill, fifty-eight chains from the Hudson river, and runs from thence down along said creek to the said river; thence due west to the east bounds of Albany county; thence northwardly along the boundary line between the county of Albany and the county of Rensselaer, to the south bounds of the village of Lansingburgh; east to the place where the same is intersected by a right line drawn northerly in continuation of the east boundary line of the said village of Troy established by law; and thence along the said last mentioned line to the place of beginning; and shall hereafter be known and dis- 3
tinguished by the name of the Village of Troy: and that the freeholders and inhabitants who may from time to time reside in the said village, shall continue to be a corporation by the name and style of "The trustees of the village of Troy," and shall have the same rights, privileges, powers and immunities as are by law given to the corporation of the village of Troy aforesaid: and fur- 4
ther, authorizing and empowering the trustees of the village of Troy aforesaid, to appoint such further number of firemen, within and for said village, as the said trustees, or a majority of them, shall judge to be necessary to man and work the fire engines of the said corporation; and that the firemen so to be appointed, shall be entitled to the same exemptions and privileges as are given by law to the firemen heretofore appointed within said corporation; so as that the whole number of firemen in said village of Troy do not exceed forty.

Village of Salem.

CHAP. LXXXI.

Contents.

7, 13. Assessors, how chosen.---14. To take an oath.
19. ---------- Compensation of, how determined.
13. Collector how chosen.---14. To take an oath.
15. ---------- To give security.---19. His compensation, how determined.
4. Corporation, who to constitute.
5. ---------- Their style and rights.
2. Election, how notified and held.----3. Anniversary day of.
11. Fines, may be laid by the Trustees for offences against their laws.
12. ------ How collected.
16. ------ On persons refusing to serve in any office to which they may be elected.
13. Fire Wardens, how chosen.
17. President, Trustees to appoint.---18. His duties.
8. Real Estate, neither to be bought or sold without the consent of the freeholders.
21. ---------- Trustees restricted from purchasing, excepting within the village.
6. Taxes, how to be levied and collected.
8. -------- Not to be laid without the consent of the freeholders.
9. -------- Not to exceed 250 dollars in any one year.
13. Treasurer, how elected.---14. To take an oath.
15. ---------- To give security.---19. His compensation, how determined.
2. Trustees, how elected.
10. ---------- Authorized to make rules and regulations.
20. ---------- How long to continue in office.
1. The village, boundaries thereof described.

An ACT *to vest certain Powers in the Freeholders and Inhabitants of the Village of Salem, in the County of Washington.*

Passed April 4th, 1803.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the district of country
1 contained within the following bounds, to wit: Beginning at a stone marked corporation number one, standing north two degrees west thirteen rods and fourteen links from the northwest corner of George Williams's dwelling-house; thence running west eighty-two rods to East-beaver brook; thence southerly along the same to a stone marked corporation number two, standing on the west bank of said brook, two rods north of the bridge over said brook, on the road leading to the dwelling-house of John Gray; thence south eighty-one degrees west twenty-eight rods to a stone marked corporation number three; thence south fifty-three degrees east one hundred and seventy-one rods and twelve links, to the center of the turnpike road in front of the dwelling-house of the late reverend James Proudfit

thence north fifty-one degrees eaſt two hundred and thirty-ſix rods, to a ſtone marked corporation number four; thence north twenty-two degrees weſt one hundred and eighty rods, to the place of beginning, ſhall continue to be known and diſtinguiſhed by the name of the Village of Salem; and the freeholders and 2
inhabitants qualified to vote for members of aſſembly, who may from time to time reſide within the aforeſaid limits, may on the firſt Tueſday of May next, meet at ſome proper place to be appointed by any juſtice or juſtices of the peace within the ſaid village, and notified to the inhabitants thereof, at leaſt one week previous to the ſaid firſt Tueſday of May, and then and there proceed to elect five diſcreet freeholders, reſident within the ſaid village, to be truſtees thereof, who when choſen ſhall poſſeſs the ſeveral powers and rights herein after ſpecified, and ſuch juſtice or juſtices ſhall preſide at ſuch meeting, and ſhall declare the ſeveral perſons having the greateſt number of votes as duly choſen truſtees; and on every firſt Tueſday of May af- 3
ter the firſt election of truſtees, there ſhall in like manner be a new election of truſtees for the ſaid village, and the truſtees for the time being, ſhall perform the ſeveral duties required from the ſaid juſtice or juſtices, in reſpect to notifying the meeting of the freeholders and inhabitants of the ſaid village and preſiding at ſuch election.

II. *And be it further enacted*, That all the freeholders reſiding 4
within the aforeſaid limits, are hereby conſtituted and declared to be a body politic and corporate, by the name of "The truſtees 5
of the village of Salem," and by that name they and their ſucceſſors ſhall have perpetual ſucceſſion, and be perſons in law capable of ſuing and being ſued, and of defending in all courts and places whatſoever, in all manner of actions and cauſes; and they and their ſucceſſors may have a common ſeal, and may alter the ſame at pleaſure, and ſhall be in law capable of purchaſing, holding and conveying any eſtate real or perſonal, for the public uſe of ſaid village, and of erecting public buildings, ſuch as fire engine houſes, market houſes, of raiſing money by tax for erecting thoſe public building, or making any other neceſſary improvements, which money ſo to be raiſed ſhall be aſſeſſed up- 6
on the lands and tenements lying in ſaid village, and the freeholders and inhabitants of ſaid village, in proportion to their real and perſonal property, by three judicious aſſeſſors, to be by 7
the freeholders and inhabitants of ſaid village, qualified to vote for members of aſſembly, choſen at their annual meetings, and collected by the collector of the corporation, in the ſame manner as the taxes of the county of Waſhington are collected, by virtue of a warrant to him directed, ſigned by a majority of the truſtees, or be recovered by action of debt, in the name of the truſtees aforeſaid, againſt the owners or occupiers of the lands and tenements ſo aſſeſſed as aforeſaid: *Provided nevertheless*, That 8
no tax ſhall be levied or monies raiſed, aſſeſſed or collected for erecting public buildings, or making any other neceſſary improve-

ments, nor any purchaſe or ſale of any real eſtate be made, nor any public building erected or diſpoſed of, without the conſent of the freeholders and other legal voters of the ſaid village, or a major part thereof, to be given at a public meeting duly noti-
9 fied: *Provided also*, That ſuch ſum ſhall not in any one year exceed the ſum of two hundred and fifty dollars.

10 III. *And be it further enacted*, That it ſhall be lawful for the ſaid truſtees, or a major part of them, and their ſucceſſors, to make and publiſh ſuch prudential rules and regulations as they from time to time ſhall deem meet, relative to public markets within the ſaid village; relative to the ſtreets, alleys and highways of the ſaid village, and to draining, filling up, paving, keeping in order and improving the ſame; relative to ſlaughter-houſes and nuiſances generally; relative to the eſtabliſhing, regulating and ordering their fire company, and ordering and procuring their fire buckets, fire utenſils, and guarding againſt fire generally; relative to reſtraining geeſe, ſwine, horſes, or cattle of any kind belonging to any perſon or perſons reſiding within the limits of the corporation aforeſaid, and relative to any thing whatſoever that may concern the police and good government of the ſaid village; but no ſuch bye-laws ſhall extend to the regulating or aſcertaining the prices of any commodity or articles of proviſions that may be offered for ſale: *Provided also*, That ſuch bye-laws ſhall not be inconſiſtent with the laws of this ſtate or of the Unit-
11 ed States. And the ſaid truſtees, or the major part of them, as often as they ſhall make and publiſh any ſuch bye-laws, for the purpoſes aforeſaid, may make and provide ſuch reaſonable fines againſt the offenders of ſuch laws as they may think proper, not
12 exceeding twenty-five dollars for any one offence, to be proſecuted and recovered before any juſtice of the peace or court of record having cognizance of the ſame, by the ſaid truſtees, to and for the uſe of the ſaid corporation.

13 IV. *And be it further enacted*, That the ſaid freeholders and inhabitants, qualified as aforeſaid, at their annual meetings, to be held for chooſing truſtees, or at any other meeting duly notified, are hereby authorized to chooſe three inhabitants, being freeholders, as aſſeſſors, one treaſurer, one collector, and as many fire wardens as the truſtees or a major part thereof may direct.

14 V. *And be it further enacted*, That the treaſurer, collector and aſſeſſors ſhall, after ſuch election, and before they proceed to the exerciſe of their ſeveral offices, reſpectively take and ſubſcribe an oath or affirmation before any juſtice of the peace of the county aforeſaid, for the faithful execution of the office to which they may be ſeverally choſen.

15 VI. *And be it further enacted*, That the treaſurer and collector hereafter to be elected ſhall, before they enter upon the execution of their reſpective offices, give ſuch ſecurity for the faithful performance of the truſts repoſed in them, as the major part of the truſtees ſhall deem ſufficient.

16 VII. *And be it further enacted*, That if any of the ſaid inhabi

tants qualified as aforesaid, shall hereafter be chosen trustees, or to the offices of assessor, collector or fire warden, and having notice of his said election, shall refuse or neglect to take upon him such office, it shall then be lawful for the trustees, or the major part of them, to impose upon every such person such reasonable fine or sum of money as they may think proper, so as such fine for each refusal or neglect, shall not exceed the sum of ten dollars, all which fines shall be recovered by action of debt, before any justice of the peace or court having cognizance of the same, to be prosecuted and recovered by the said trustees, for the use of the said corporation.

VIII. *And be it further enacted*, That the trustees, or a major 17
part of them, within five days after their being elected, in every year hereafter, shall assemble and appoint some one suitable person of their body to be president of the said board of trustees, whose 18
duty it shall be, when present, to preside at the meeting of the trustees, to order extraordinary meetings of the trustees whenever he may find it for the interest of the village so to do, to receive complaints of the breach of any of the bye-laws, to see that all the rules and ordinances are faithfully executed, and prosecute in the name of the trustees, all offenders against such bye-laws; to receive and lay before the trustees the returns of the fire wardens, and with consent of the major part of the trustees, to appoint, under his hand and the seal of the said corporation, the company of firemen; to inspect the utensils and all other public property belonging to said village for extinguishing fires, and particularly to see the engines and fire utensils, engine houses, and all other public property belonging to said village, suitably and properly kept, and to do all such acts and things as may be proper for him to do, as president of the board of trustees.

IX. *And be it further enacted*, That the assessors, treasurers and 19
collectors, shall be paid for their services such compensation as the said freeholders and inhabitants, or a majority of them, at their annual meeting, shall deem reasonable and proper.

X. *And be it further enacted*, That the trustees to be elected by 20
virtue of this act, shall continue in office and be authorized and empowered, to execute and perform all and singular the powers and duties in this act contained, belonging to their office of trustees as aforesaid, until the first Tuesday in May, next following after the election of trustees as aforesaid, and until a new election for trustees of the said village shall be made pursuant to this act, and until the trustees so last chosen, shall take and subscribe the oath or affirmation of the office of trustee.

XI. *And be it further enacted*, That it shall not be lawful for the 21
trustees to purchase or hold any real estate, not lying or being within the limits of the said village of Salem.

Port of Sag-Harbour.

CHAP. LVIII.

Contents.

7. Constables, their duty at the breaking out of fires.
8. Fire Buckets, so many to be provided by each inhabitant as the Justices shall direct---penalty for neglect.
11. Fire Engines, expense of making and keeping them in repair, how raised.
2. Firemen, how appointed---their duty.
3. --------- Exempt from military duty, &c.
13. Highways, part of the Act regulating, on Long-Island, repealed.
7. Justices of the Peace, their duty at the breaking out of fires.
6. Penalties, may be imposed to a certain extent on the firemen by the trustees for neglect of duty.
9. ---------- On persons neglecting to procure fire buckets.
10. ---------- How collected and how applied.
1. Trustees, How chosen.---12. To make assessments.
2. ---------- May appoint firemen.---4. And may remove, and appoint others in their place.
5. ---------- May establish rules for the government of the firemen and impose fines.
7. ---------- Their duty at the breaking out of fires.

An ACT *to vest certain Powers in the Freeholders and Inhabitants of the Port of Sag-Harbour, for the Purpose of extinguishing Fires, and for other Purposes.*

Paſſed March 26th, 1803.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it ſhall and may be lawful
1 for the freeholders and inhabitants of the Port of Sag-Harbour, having a right to vote at town-meetings, and reſiding within the following limits, viz. Beginning at a road leading from Sag-Harbour aforeſaid, to North Sea, upon the old Legonee creek, or brook; thence running with the ſaid creek or brook, to the middle line, an old boundary between the great ſouth and north diviſion; from thence on the ſaid middle line, until it ſtrikes the line between the towns of East and Southampton; from thence a due courſe to a corner tree, on the land of William I. Ryſam, near a brook, known by the name of Rattle-ſnake brook; from thence a direct courſe to David Ruſſel's bridge over Northweſt creek; thence down ſaid creek until it empties into the harbour; thence following the ſhores of the ſaid harbour, (including all wharves and ſtores thereon) round a peninſula of land known by the name of Bruſhy-neck, until it ſtrikes the mouth of ſaid old Legonee creek or brook; thence following ſaid creek to the place of beginning; to meet together at ſuch place in the ſaid port of Sag-Harbour, as the truſtees hereafter directed to be choſen ſhall appoint, ſhall on the firſt Monday of May next, and on the firſt Monday of January annually thereafter, then and there proceed to

choose, by ballot, not less than three nor more than five discreet freeholders, to be called the trustees of the fire company of the port of Sag-Harbour.

II. *And be it further enacted*, That the said trustees to be chosen as aforesaid, or a major part of them, shall have full power and authority to nominate and appoint a sufficient number of firemen, who shall be willing to accept of such appointment, not exceeding twenty to the engine now provided, or others hereafter to be provided for the use of said port, out of the freeholders and inhabitants within the limits aforesaid, to have the care and management, working and using of the said fire engine or engines, and the other tools and instruments now or hereafter to be provided for the extinguishing fires within the said port; which persons to be nominated and appointed, shall be called the firemen of the port of Sag-Harbour, who are hereby required to be ready at all fires, as well by night as by day, to manage, work and use the said fire engine or engines, and other tools and implements aforesaid. 2

III. *And be it further enacted*, That each person so to be nominated and appointed a fireman, shall, during his continuance in office, be exempted and privileged from being impannelled upon any jury or inquest, except in the justices' courts, within the said port, and from military duty, except in cases of actual invasion; and for this purpose, the name of each fireman so to be appointed by virtue of this act shall be entered with the clerk of the said trustees, and his certificate shall be sufficient evidence in all courts and elsewhere of his said exemption and privilege: *And further*, That the said trustees, or a major part of them, shall have power from time to time to remove any firemen so to be appointed, and others to appoint in the place of those removed, when and as often as they shall think proper. 3 4

IV. *And be it further enacted*, That it shall be lawful for the said trustees, or a major part of them, to make, establish and ordain, such rules and regulations for the government, duty and behaviour of the persons so to be appointed firemen as aforesaid, in the working and frequent using and trying the said fire engines, tools and implements, and to impose such reasonable fines and penalties, (not exceeding three dollars) for any one offence upon such firemen, or any one of them, for default in not preforming the duties hereby to be enjoined or required from them, as they from time to time may think proper. 5 6

V. *And be it further enacted*, That upon the breaking out of any fire within the said port, the trustees aforesaid, and the constables of the said port of Sag-Harbour, together with the justices of the peace then being present in said port, on notice thereof shall immediately repair to the place where such fire shall happen, with staves, and such other badges of authority as shall be ordained by a majority of them to be worn, and be aiding and assisting, as well in extinguishing the said fires as in preventing any goods from being stolen, and also in removing and securing the same, and in the execution of the duties required of them by this act; 7

and it ſhall be the duty of ſuch juſtices of the peace (if any ſhall be preſent) and they are hereby authorized to command the aſſiſtance of all and every of the able bodied inhabitants of ſaid port, whoſe duty it ſhall be to obey and execute all orders and directions of the truſtees and magiſtrates aforeſaid, in extinguiſhing ſaid fires, removing and ſecuring the goods, and providing water for the engines, and aſſiſting the firemen in working the ſame.

8 VI. *And be it further enacted*, That it ſhall be lawful for the juſtices aforeſaid, or a major part of them, to direct and require the inhabitants, owners of dwelling-houſes in ſaid port, to provide themſelves with ſuch and as many fire buckets to be ready in ſuch
9 houſes, for the purpoſe of extinguiſhing fires, and to impoſe ſuch reaſonable fines for diſobedience thereof, as they ſhall thing proper, (not exceeding five dollars) for each bucket ſo neglected to be furniſhed as aforeſaid.

10 VII. *And be it further enacted*, That all fines incurred and adjudged to be levied by the truſtees as aforeſaid ſhall be recovered by any one of the truſtees aforeſaid, in his own name, before any juſtice of the peace in ſaid port, with the coſts of ſuit, to be reported to ſaid board of truſtees, and appropriated by a majority of the ſame, for the purpoſe of procuring and keeping in repair the fire engines and other inſtruments neceſſary for the extinguiſhing fires in the ſaid port of Sag-Harbour.

11 VIII. *And be it further enacted*, That it ſhall be lawful for the ſaid freeholders and inhabitants, or a majority of them, ſo entitled to vote as aforeſaid at ſuch meeting, to direct ſuch ſums of money as they ſhall deem neceſſary and proper for paying for or repairing the fire engine or engines and other inſtruments for extinguiſhing fires, now provided or hereafter to be provided within the ſaid diſtrict or limits before mentioned, to be raiſed, levied and collected from the freeholders and inhabitants reſident within the ſaid diſtrict, and upon the proprietors of houſes and all other buildings who may be not reſidents within ſaid diſtrict.

12 IX. *And be it further enacted*, That it ſhall be lawful for the truſtees choſen as aforeſaid to levy, aſſeſs and collect the aforeſaid ſum or ſums, as ſhall be agreed upon by the ſaid freeholders and inhabitants at their annual meeting for the purpoſes aforeſaid, in ſuch way and manner as taxes are levied, aſſeſſed and paid for the contingent expences of the towns of South and Eaſt-Hampton.

13 X. *And be it further enacted*, That ſo much of the twelfth ſection of the act, entitled "An Act to regulate highways in the counties of Suffolk, Queens, Kings and Richmond, as relates to the roads or highways leading from the port of Sag-Harbour to the town of Eaſt-Hampton, be and the ſame is hereby repealed.

Supreme Court.

CHAP. II.

Contents.

1. Supreme Court, terms thereof altered.---2. How long continued. 3. How called.
5. Suits therein depending, continued from the January to the May term.
4. Writs made returnable therein in the April term, to be deemed returnable in the May term.
6. Next Circuit in Albany, postponed to April.

An ACT *to amend an Act concerning the Supreme Court.*

Passed February 12th, 1803.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the supreme court of judica- 1
ture of this state shall hereafter be held at the four several terms following, to wit: On the first Mondays of February, May and August, and on the second Monday of November in every year; and that the said several terms of the said court may be continued 2
and held from the time of the commencement thereof every day, except Sunday, until and including Saturday in the next ensuing week: And that the term commencing on the first Monday of 3
February, shall be called February term, and shall be held in the city of Albany; and the term commencing on the first Monday of May, shall be called May term, and shall be held in the city of New-York; and the term commencing on the first Monday of August, shall be called August term, and shall be held in the said city of Albany; and the term commencing on the second Monday of November, shall be called November term, and shall be held in the said city of New-York, any thing in any former act to the contrary thereof notwithstanding.

II. *And be it further enacted*, That all writs, process and other 4
proceedings made or to be made returnable, and all persons held or to be held to appear before the justices of the said court, at the city-hall of the city of New-York, on any day of the term which, if this act had not been passed, would be called April term next, shall be deemed and taken to be made returnable and held to appear before the justices of the said court, at the city-hall of the city of New-York, on the first Monday of May next: And fur- 5
ther, that the said court, and all suits and matters therein depending or being, shall be deemed and taken to be continued from the last January term of the said court, unto the said first Monday of May next, at the city-hall of the said city of New-York, with the like effect to all intents, constructions and purposes whatsoever, as the same would have been continued to the third Tuesday of April next, at the city-hall of the said city of New-York, if this act had not been passed.

6 III. *And be it further enacted*, That the circuit court appointed to be held in and for the county of Albany on the firſt Tueſday of March, ſhall be and hereby is poſtponed until the firſt Tueſday of April thereafter.

Court of Common Pleas, &c.

RICHMOND COUNTY.

CHAP. III.

Contents.

1. Court of Common Pleas in Richmond county, May term thereof revived and continued.
2. Writs made returnable in May term next, declared valid.

An ACT *to revive the Court of Common Pleas in Richmond County.*

Paſſed February 12th, 1803.

WHEREAS it is repreſented to the legiſlature, that the court of common pleas in the county of Richmond was not holden on the firſt Monday of May laſt, by reaſon of the non-appearance of a ſufficient number of the perſons authorized to hold the ſaid court, and no adjournment of the ſaid court made purſuant to the law in ſuch caſe made and provided: Therefore,

Be it enacted by the People of the State of New-York, represent-
1 *ed in Senate and Assembly*, That the ſaid court ſhall be and hereby is revived and continued, and all proceſs returnable at the ſaid
2 May court, and all proceſs and proceedings returnable or had at the laſt term of the ſaid court, and all writs and proceſs iſſued out of the ſaid court returnable on the firſt Monday of May next, ſhall be valid to all intents and purpoſes, and all perſons bound to appear at the next May term of the ſaid court, ſhall be holden to appear in like manner as if the ſaid courts had been regularly held.

ROCKLAND COUNTY.

CHAP. XLVI.

An ACT *for granting an additional Term of the Court of Common Pleas, in the County of Rockland.*

Paſſed March 22d, 1803.

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That there ſhall be an additional term of the court of common pleas held in and for the county of Rockland, on the firſt Tueſday of February in every year, at the place where the ſaid court of common pleas is now held, in and for the ſaid county of Rockland, and may continue until the Saturday following incluſive.

ONONDAGA COUNTY.

CHAP. XLVII.

Contents.

1. Courts, removed to the court-house in the town of Onondaga.
3. Recognizance, persons bound by, holden to appear at court-house.
4. Sheriff, his duty.—5. Mileage to be calculated from court-house.
2. Writs made returnable at S. Tyler's to be considered as returnable at court-house.

An ACT *to alter the Place for holding the Courts of Common Pleas and General Sessions of the Peace, in and for the County of Onondaga.*

Passed March 22d, 1803.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That from and after the passing of 1
this act, the courts of common pleas and general sessions of the peace, in and for the county of Onondaga, shall be holden in the building erected for a court-house and gaol, in the town of Onondaga, in said county; and that all writs and process now 2
issued or hereafter to be issued, and made returnable at the house of Samuel Tyler, in Onondaga, in said county, on the fourth Tuesday in May next, shall be considered returnable at said court-house: And all persons bound by recognizance or otherwise to 3
appear at the house of the said Samuel Tyler at the next court of common pleas and general sessions of the peace, shall be holden to appear at the said court-house.

II. *And be it further enacted*, That as soon as the said building 4
shall, in the opinion of the sheriff of the said county, be finished in such manner as to confine his prisoners, it shall and may be lawful for such sheriff, and he is hereby directed to commit or remove his prisoners in his county, either upon civil or criminal process, to such gaol, and such commitment or removal shall not be deemed an escape in such sheriff.

III. *And be it further enacted*, That from and after the passing 5
of this act, all mileage to which the sheriff of the said county is by law entitled, for the service of process issued from the said court, or from the supreme court, shall be computed from the court-house in said county: Any former law to the contrary in any wise notwithstanding.

ALBANY, COLUMBIA, SCHOHARIE AND GREENE.

CHAP. LXXV.

Contents.

5. May term in Albany county, altered.
3. ------- In Columbia county, do.
4. ------- In Schoharie county, do.
1. Terms in Greene county, how altered.
2, 6. ---- Altered, how to be held, continued and adjourned.
7. Writs, &c. made returnable at the terms as heretofore, made returnable at the terms as altered.

An ACT *for altering the Times of holding the Courts of Common Pleas and General Sessions of the Peace, in the Counties therein mentioned.*

Passed April 2d, 1803.

I. BE *it enacted by the People of the State of New-York, represent-*
1 *ed in Senate and Assembly*, That hereafter the terms of the courts of common pleas and general sessions of the peace, in and for the county of Greene, shall be held on the last Monday in May in every year, instead of the first Tuesday of May as heretofore; and that the September term of said courts shall be held on the first Monday of September in every year, instead of the third Tuesday of September as heretofore; and that the January term of said court of common pleas, shall hereafter be held on the first Monday of January in every year, instead of the first Tuesday of
2 January as heretofore; and that the said courts shall continue open in each of the said terms, from day to day until and including Saturday in the said terms respectively, if the business in the
3 said courts or either of them require it: And that instead of the present term of the courts of common pleas and general sessions of the peace, commencing on the second Monday in May, in and for the county of Columbia, the same shall hereafter be held on
4 the first Monday in June in every year: And instead of the present term of the courts of common pleas and general sessions of the peace, commencing on the third Tuesday in May, in and for the county of Schoharie, the same shall hereafter be held on the
5 first Tuesday of June in every year: And instead of the present term of the courts of common pleas and general sessions of the peace, commencing on the fourth Tuesday in May, in and for the county of Albany, the same shall hereafter be held on the third
6 Tuesday of June in every year; and that each of the said terms so made by this act, in the said counties of Columbia, Schoharie and Albany respectively, may be held, continued and adjourned as the said terms of the said courts were respectively continued and adjourned previous to the passing of this act.

7 II. *And be it further enacted*, That all writs, process, notices and recognizances, made returnable at the respective terms of the said courts, so as heretofore held by law, shall be and hereby are made returnable at the terms of the said courts respectively altered by this act; and that all adjournments, appearances, continu-

ances and notices of any proceedings in said courts respectively, shall be held and taken to be made to and at the said terms of the said courts respectively, so as aforesaid altered by this act.

ONEIDA COUNTY.

CHAP. C.

CONTENTS.

3. Commissioners for building Gaol, directed to finish the Gaol at Rome.
1. Courts of Oyer and Terminer and Circuits, place of holding, Justices of the Supreme Court to determine.
2. ------- Of General Sessions and Common Pleas, to be held alternately at Rome and Whitestown.
4. Gaol Liberties at Rome, when and how to be determined.
5. Sheriff authorized to imprison in either of the Gaols.---6. To remove criminal prisoners from one to the other of the Gaols.

An ACT *relative to the holding of the Courts of Oyer and Terminer, and other Courts in the County of Oneida.*

Passed April 6th, 1803.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the courts of oyer and terminer and circuit courts to be held in the said county, shall be held either in the town of Rome or Whitestown, at the discretion of the justices of the supreme court. 1

II. *And be it further enacted*, That the courts of general sessions of the peace and of common pleas, in and for the said county, shall hereafter be held alternately at Rome and Whitestown aforesaid. 2

III. *And be it further enacted*, That the commissioners appointed by the supervisors of the said county, for building the gaol in said county, shall and they are hereby directed as soon as may be after the passing this act, to cause the doors of the gaol lately built in Rome aforesaid, to be made and completed, and shall superintend the same; and the supervisors of said county shall and they are hereby directed, to audit the accounts and draw their order for payment thereof on the treasurer of said county, who shall and is hereby required to pay the same out of any monies in his hands, heretofore directed to be appropriated for building a gaol in said county. 3

IV. *And be it further enacted*, That the said court of common pleas of said county, shall and they are hereby authorized at the next term thereof, to appoint the liberties thereof according to the directions of the act entitled "An Act regulating the liberties of gaols." 4

V. *And be it further enacted*, That it shall be lawful for the 5

sheriff of said county, to imprison persons against whom he shall have process in either of the two gaols aforesaid.

6 VI. *And be it further enacted*, That it shall and may be lawful for the sheriff of said county, to remove prisoners confined on criminal process, from the one of said gaols to the other, whensoever it shall be necessary for the appearance or trial of such prisoners, and such removal shall not be deemed or construed an escape.

WASHINGTON COUNTY.

CHAP. XLIX.

Contents.

3. Commissioners named to superintend the building of the Court-House.---4, 6. Their further duty.
2. Court-House to be erected at such place as the Supervisors shall direct.
10. Courts to be removed to the New Court-House when sufficiently completed.
13. ------ of Common Pleas may be held until the Tuesday following the first week in each term.
1. Supervisors, directed to raise by tax 2400 dolls.---2, 7. To fix on the most convenient place for erecting Court-House.---8. To purchase land for buildings.---9. To cause the deed therefor to be recorded and deposited with County Clerk.
11. Terms of Common Pleas.---12. And General Sessions of the Peace.
5. Treasurer, his duty.

An ACT *for building a Court-House, and altering the Terms of the Courts of Common Pleas and General Sessions of the Peace in the County of Washington.*

Passed March 22d, 1803.

I. BE *it enacted by the People of the State of New-York, represent-*
1 *ed in Senate and Assembly*, That the supervisors of the several towns in the county of Washington, or the major part of them, shall be and they are hereby authorized at their meeting in October next, to direct to be raised and levied on the freeholders and inhabitants of the said county, the sum of two thousand four hundred dollars, for the purpose of building a court-house in the said county, which sum shall be raised, levied and collected in the same manner as the other necessary and contingent charges of the said county are levied and collected, and shall be paid into the treasury of the said county, at the same time and under the same restrictions as the other contingent charges of the said county are by law directed to be paid.

2 II. *And be it further enacted*, That the court-house so to be built, shall be erected and built at such place in the said county, as the supervisors or a majority of them shall direct.

3 III. *And be it further enacted*, That Edward Savage, Micajah

Pettit, Abner Stone, Rofwell Weſton and Charles Baker, ſhall be commiſſioners to ſup erintend the building of the ſaid court-houſe 4
when ſo directed to be built; and that the ſaid commiſſioners, or the major part of them, ſhall and may contract with workmen and purchaſe materials for erecting the ſame, and ſhall from time to time draw upon the treaſurer of the ſaid county for the purpoſes aforeſaid, for the money that ſhall be paid into the treaſury by virtue of this act; and the ſaid treaſurer is hereby required to 5
pay to the ſaid commiſſioners, or the major part of them, or to their order, the ſeveral ſums of money to be by them drawn for, for the purpoſe aforeſaid; and it is hereby made the duty of the 6
ſaid commiſſioners to account with the ſupervifors of the ſaid county, for the money which they ſhall have received by virtue of this act, when they ſhall be thereunto required.

IV. *And be it further enacted*, That the ſupervifors of the county 7
aforeſaid, or the major part of them, are hereby authorized to determine and fix upon the moſt ſuitable ſpot or place for erecting and building the ſaid houſe; and they are hereby au- 8
thorized to purchaſe ſo much land as ſhall be neceſſary for the purpoſe of erecting the ſaid building, not exceeding one half acre, and to procure a good and ſufficient title thereof, in the name of the ſupervifors of the ſaid county, and their ſucceſſors in office for ever, in truſt for the ſole uſe and benefit of the inhabitants of the ſaid county; which deed or conveyance after 9
being duly recorded, ſhall be depoſited with the clerk of the ſaid county, and the ſupervifors aforeſaid, are hereby authorized and required to pay for the ſaid land, out of the money directed to be raiſed by virtue of this act.

V. *And be it further enacted*, That the courts of common pleas 10
and general ſeſſions of the peace, which by law are directed to be held at Sandy-Hill, ſhall be held at the ſaid court-houſe, as ſoon as the ſame ſhall be ſo far completed as to render it convenient.

VI. *And be it further enacted*, That from and after the firſt day 11
of June next, there ſhall be four terms of the court of common pleas, held in and for the county of Waſhington, and ſhall be held on the ſecond Tueſday of September, the third Tueſday in December, the firſt Tueſday in March, and the laſt Tueſday in May, in every year, and ſhall be held alternately at the court-houſe at Salem, in the ſaid county, and at Sandy-Hill, in the town of Kingſbury, in the ſaid county, or until the ſaid court-houſe is completed as aforeſaid; and that the firſt of the ſaid courts ſhall be held at the ſaid court-houſe, at Salem, on the ſecond Tueſday of September next; And there ſhall be three 12
terms of the courts of general ſeſſions of the peace held in and for the ſaid county, and which ſhall be held on the ſecond Tueſday in September, the third Tueſday in December, and firſt Tueſday in March in every year, and ſhall be held at the ſame place at which the ſaid court of common pleas ſhall on thoſe days be held in the ſaid county; which ſaid ſeveral courts may

continue and be held until the several Saturdays next after their commencement inclusive.

13 VII. *And be it further enacted*, That it shall and may be lawful for the said court of common pleas to be held and continued when it shall be deemed necessary, until and including Tuesday next after the first week in each term: *Provided always*, That it shall not be lawful to detain the petit jurors after the several Saturdays in the first week in each term.

Jurors.

CHAP. XXXII.

An ACT *to amend the Act, entitled "An Act for regulating Trials of Issues, and for returning able and sufficient Jurors."*

Passed March 16th, 1803.

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the names of all jurors for the trial of issues in any court of record to be held in any city or county of this state, the mayor's courts of the cities of New-York, Albany and Hudson excepted, shall be drawn openly and publicly without any venire previously issued, or application from the sheriff for that purpose, on a day certain, at least fourteen days previous to the holding of the said courts respectively: and that the clerks of the said respective courts shall give public notice of the time and place of such drawing, by an advertisement for that purpose, to be put up and affixed to the outward door of the court-house or other houses where the said courts in and for the said counties respectively are usually held for the space of not less than ten days previous to such drawing; to the end, that all who may be so inclined may have an opportunity of attending the same; and that the names of the jurors so drawn, shall be returned by the sheriff of such city or county, upon every venire or other jury process which he may have received or shall thereafter receive, returnable at such courts.

Court-Houses, &c.

CLINTON COUNTY.

CHAP. IV.

Contents.

2. Commissioners to superintend the building of the Court-House and Gaol in the county, to draw on the Treasurer for monies.
4. ——— To account with the board of Supervisors.
1. Supervisors, to cause 1000 dollars to be raised for completing Court-House and Gaol.
3. Treasurer, his duty.---5. His compensation.

An ACT *to raise a further Sum of Money, to complete the Court-House and Gaol in the County of Clinton.*

Passed February 12th, 1803.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the supervisors of the 1
several towns in the county of Clinton, for the time being, or a majority of them, shall be and hereby are authorized and required to direct to be raised and levied on the freeholders and inhabitants of the said county the sum of one thousand dollars, for the purpose of completing the court-house and gaol in the said county, in addition to the sum directed to be raised by the act, entitled "An Act for building a court-house and gaol in the county of Clinton," passed March 26th, 1802, with the additional sum of five cents on every dollar, for collecting the same; which said sum shall be raised, levied and collected in the same manner as the other necessary and contingent charges of the said county are levied and collected.

II. *And be it further enacted*, That the commissioners directed 2
to be appointed to superintend the building of said court-house and gaol by the act above recited, may from time to time draw upon the treasurer of said county for such sums of money for the purpose aforesaid as shall come in the treasury by virtue of this act; and the treasurer is hereby required to pay out of the monies 3
aforesaid to the order of said commissioners, or a majority of them, the several sums of money to be by them drawn for: And 4
it is hereby made the duty of the said commissioners to account with the supervisors of the said county for the monies which they shall have received from the treasury, when thereto required.

III. *And be it further enacted*, That it shall and may be lawful for 5
the treasurer of the said county to retain in his hands the sum of one cent on each dollar, for his trouble in receiving and paying out the monies directed to be raised by this act.

ONEIDA COUNTY.

CHAP. XVII.

CONTENTS.

3, 5. Commissioners, their duty.—4. County Treasurer, his duty.
1. Supervisors, to cause 500 dollars to be raised for completing Gaol.
2. -------- To appoint a commissioner or commissioners.

An ACT *to enable the Supervisors of the County of Oneida to raise the Sum of five hundred Dollars, for the Purpose of finishing the Goal in said County.*

Passed February 26th, 1803.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the supervisors of the 1

county of Oneida, for the time being, or a majority of them, shall be and are hereby authorized to direct to be levied and raised on the freeholders and inhabitants of the said county, the sum of five hundred dollars, for the purpose of finishing and completing the gaol in the town of Whitestown, in said county, with the additional sum of five cents on each dollar, for collecting the same; which sum shall be levied, raised and collected in the same manner as the other necessary and contingent charges of said county are levied and collected.

2 II. *And be it further enacted*, That it shall and may be lawful for the supervisors of the said county, or a majority of them, to appoint a commissioner or commissioners to superintend the com-
3 pleting of the said gaol, whose duty it shall be to procure materials for the purpose aforesaid, and direct the application of the same; and may from time to time draw upon the county treasurer for such sums of money, for the purposes aforesaid, as may be necessary, and which shall come into the treasury by virtue of this act:
4 And the treasurer aforesaid is hereby required out of the monies aforesaid, to pay to the order of the said commissioner or commis-
5 sioners, the several sums of money thus drawn for: And it is hereby made the duty of such commissioner or commissioners thus appointed, to account with the supervisors of the said county for the monies which he or they shall have received from the treasurer aforesaid, when thereunto required by said supervisors.

ORANGE COUNTY.

CHAP. XXI.

Contents.

1. Supervisors may raise 1500 dollars for completing the Court-House and Gaol.
2. Treasurer, his duty.

An ACT *authorizing the Supervisors of the several Towns in the County of Orange to raise a further Sum of Money to complete the Court-House and Gaol of said County.*

Passed February 26th, 1803.

1 BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the supervisors or a majority of them, at their annual meeting in October next, shall be and are hereby authorized to direct to be raised and levied on the freeholders and inhabitants of said county, a sum not exceeding fifteen hundred dollars, for the purpose of completing the court-house and gaol in the town of Goshen, in said county, which sum shall be raised, levied, collected and paid into the treasury in the same manner as the other contingent charges of the county are
2 levied, collected and paid: And the treasurer is hereby required to pay the money so levied and collected, as it comes into his

hands, over to the commissioner appointed for the purpose of re-building and repairing the aforesaid court-house and gaol.

GREENE COUNTY.

CHAP. XXV.

Contents.

3. Commissioners, their duty.
1. Supervisors, to cause 100 dollars to be raised for completing the Gaol.
2. Treasurer, his duty.

An ACT *for raising a further Sum of Money for completing the Gaol in the County of Greene.*

Passed March 4th, 1803.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the supervisors of the county of Greene be, and they are hereby empowered and directed, to raise and levy on the freeholders and inhabitants of the said county, the sum of one thousand dollars, with the additional sum of five cents on each dollar for collecting the same, and one cent on each dollar for treasurer's fees; which said sum shall be raised, levied and collected in the same manner as the other necessary and contingent charges of the said county are raised, levied and collected. 1

II. *And be it further enacted*, That the treasurer of the said county shall pay over the money so to be collected, as the same shall come into his hands, to the said commissioners or a majority of them; and the said commissioners who shall superintend the finishing of said gaol, shall account with the board of supervisors, for the expenditure of the said money when thereunto required. 2 3

ONEIDA, CHENANGO, OTSEGO AND ONTARIO.

CHAP. XL.

Contents.

1. Gaol of Oneida county to be used as the Gaol of Chenango county.
2. Sheriff of Chenango county, his duty.---3. Liable for escapes in removing Prisoners.
5. ------ Of Otsego county, mileage to him regulated.
6. ------ Of Ontario county, do. do.
4. Treasurer of Chenango to pay certain sums to the Treasurer of Oneida.

An ACT *directing the Gaol of the County of Oneida to be used as the Gaol of the County of Chenango, and for other Purposes.*

Paſſed March 19th, 1803.

1 I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That from and after the firſt day of May next, it ſhall not be lawful for any of the officers of the county of Chenango, either civil or military, to make uſe of the gaol of Otſego as the gaol of the county of Chenango; but it ſhall be lawful for the aforeſaid officers, to make uſe of the gaol of the county of Oneida as the gaol of the county of Chenango,
2 until further legiſlative proviſion be made in the premiſes: And that the ſheriff of the county of Chenango is hereby authorized and required to remove all his priſoners from the gaol of the county of Otſego to the gaol of the county of Oneida, on the firſt day of May aforeſaid, or within fifteen days afterwards.

3 II. *And be it further enacted*, That in caſe any priſoner or priſoners, ſhall eſcape from the cuſtody of the ſheriff of the ſaid county of Chenango, during the time of his or her removal, and the ſheriff ſhall not retake ſuch priſoner or priſoners and confine him, her or them in the gaol to which he, ſhe or they ought to be removed by virtue of this act, within ſixty days next after ſuch eſcape made, the ſaid ſheriff ſhall be liable to all actions for ſuch eſcape or eſcapes.

4 III. *And be it further enacted*, That for the uſe of the ſaid gaol, the treaſurer of the county of Chenango, ſhall on the firſt Tueſday of May, in the year one thouſand eight hundred and four, and on the firſt Tueſday of May in every year thereafter, during the continuance of this act, pay to the treaſurer of the county of Oneida, for the uſe of ſaid county, the ſum of fifteen dollars; and alſo all ſuch ſum and ſums of money as may be expended in the repairs of ſuch gaol, occaſioned by breaches made by priſoners committed to the ſaid gaol from the county of Chenango, in eſcaping or attempting to eſcape from the ſame; which ſum or ſums ſhall be levied and collected of the freeholders and inhabitants of ſaid county of Chenango, in the ſame manner as other contingent county charges are by law directed to be levied and collected.

5 IV. *And be it further enacted*, That from and after the firſt Monday of May next, the ſheriff of the county of Otſego, ſhall take no other fees for mileage for ſerving of any writ, than for the diſtance computed from the court-houſe in ſaid county.

6 V. *And be it further enacted*, That from and after the paſſing of this act, the ſheriff of the county of Ontario, ſhall be allowed mileage fees on each writ by him ſerved, to be computed from the court-houſe in Canadaigua in ſaid county.

Toll-Bridges.

UNION BRIDGE.

CHAP. XII.

Contents.

18. Bridge how to be constructed and built.---16. Prohibition on building another.
25. Bye-laws, Directors empowered to make.---26. Proviso relative to.
1, 3. Corporation, style and rights of.---2, 14, 23, 30, 31. When and for what causes to be dissolved.
4. Directors, seven, to manage the concerns of the corporation.
5, 11. --- When and how to be chosen.
6. ------- Vacancies in the board, how filled.
7. ------- The first board of, named.---8. To choose a President.
24. ------- May appoint Treasurer, Clerk and Toll-Gatherers.
25. ------- May make bye-laws.
12. Lands, necessary to be used in erecting bridge, may be taken.
13. ------- Value thereof, how determined.
15. ------- To revert to the owners in case of a dissolution of the corporation.
27. Penalty, for injuring bridge.
28. ------- For forcibly passing Toll-Gate without paying toll.
29. ------- On Toll-Gatherers for misconduct.
33. ------- For neglecting to put up a printed list of rates of toll.
8. President, how chosen.
9. Shares, value---number---deemed personal estate.
17. ------- Instalments on, Directors authorized to require.
19. Toll-Gate, when to be erected, and toll exacted.
20. Toll, rates of.---22. Who and what articles exempt from payment of.
32. ------- Printed list of, to be affixed over gate.
21. Toll-Gatherers may stop persons refusing to pay toll.
10. Votes, to be in proportion to the number of shares held by the voter.

An ACT *to incorporate the Union Bridge Company.*

Passed February 22d, 1803.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That John D. Dickenson, Charles Selden, Guert Van Schoonhoven, Samuel Stewart, John Woodworth, Albert Pawling and John T. Close, and their present and future associates, their successors and assigns, be and they are hereby created a body corporate and politic, by the name of "The president and directors of the Union Bridge company," for the purpose of building a bridge over the Hudson's river, at or south of the ferry commonly called Hamilton and Scott's ferry, leading from Waterford to Lansingburgh ; and they are hereby ordained, constituted and declared to be a body politic and corporate in fact and in name, and by that name they and their successors shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being

defended in all courts and places whatsoever, and so to remain
2 for the term of seventy-five years; and that they and their suc-
cessors may have a common seal and may change and alter the
3 same at their pleasure; and also that they and their successors by
the same name and style shall be in law capable of purchasing,
holding and conveying any estate, real and personal, for the use
of the said corporation: *Provided*, The real estate so to be holden
shall be such only as shall be necessary to promote or attain the ob-
jects of this incorporation.

4 II. *And be it further enacted*, That the stock, property, affairs
and concerns of the said corporation, and the manner of obtaining
subscriptions thereto, shall be managed, directed and conducted
5 by seven directors, who shall be stockholders, and shall be annu-
ally chosen and elected on the first Monday in May in every year,
at such place in the village of Lansingburgh as the director s for
the time being or any three of them shall appoint, of which, no-
tice shall be given in one of the newspapers printed in the said
village of Lansingburgh, at least ten days before the day of meet-
ing: That all elections for directors shall be by ballot, and the per-
sons who shall, at such election, have the greatest number of votes
shall be the directors, and shall hold their offices for one year, and un-
6 til others shall be chosen in their places; and if any vacancies shall
happen among the directors by death, resignation or otherwise,
such vacancies shall be filled for the remainder of the year in
which they may happen by the appointment of the other direc-
7 tors for the time being or a majority of them; and that the first
directors shall be John D. Dickenson, Charles Selden, Guert Van
Schoonhoven, Samuel Stewart, John Woodworth, Albert Pawling
and John T. Close, who shall and may choose one of their num-
ber to be president, and shall hold their offices until the first Mon-
day of May, in the year of our Lord one thousand eight hundred
8 and four, or until others shall be chosen to succeed them; and
that the said directors shall at their first meeting after such elec-
tion appoint one of their number to be president.

9 III. *And be it further enacted*, That a share in the stock of the
same company shall be fifty dollars, and the number of shares
shall not at any time exceed one thousand; and that the said
shares shall be taken, deemed and considered to be personal estate,
and shall and may be transferable.

10 IV. *And be it further enacted*, That at all elections for directors,
each stockholder shall be entitled to a number of votes propor-
tioned to the number of shares he or she shall hold in his or her
11 name; and that in case an election for directors shall not be
made on any day when, pursuant to this act, it ought to have
been done, it shall be lawful for any one of the stockholders to
give ten days notice of an election on any other day; and the
stockholders may on any such day meet in the village of Lan-
singburgh and elect seven directors, who shall hold their offices,
and have like powers, as though such election had taken place on
the day for the annual election.

V. *And be it further enacted*, That the ſaid preſident and di- 12
rectors, their agents, artiſts or other perſons employed by them, may enter on and take poſſeſſion of the lands on each ſide of the ſaid river, where the ſaid preſident and directors ſhall determine to build ſaid bridge; and in caſe ſuch land ſo to be taken poſſeſſion of, ſhall not be part of the public highway, the ſaid corporation ſhall, before taking the poſſeſſion of any ſuch lands, pay the owner or owners thereof, on receiving a conveyance of the land, the value of ſo much of the ſame as may be neceſſary for making ſaid bridge and erecting and eſtabliſhing a gate, toll-houſe and all other works to the ſaid bridge belonging; and in 13
caſe of diſagreement between the parties as to ſuch value, the ſame ſhall and may be aſcertained by three indifferent freeholders of the county where ſuch land ſhall lie, who ſhall be appointed for that purpoſe, and ſworn to make a juſt valuation by the judges of the court of common pleas, not intereſted, or a major part of them, held for the ſame county, on application from the ſaid preſident and directors to them for ſuch appointment; and it ſhall be the duty of the ſaid preſident and directors, to make ſuch application within ſix weeks after poſſeſſion taken of ſaid land and diſagreement as to the value thereof: *Provided always*, 14
If the ſaid bridge ſhall be carried away by the ice, or be otherwiſe deſtroyed or become impaſſable for carriages, and be not rebuilt within two years after ſuch bridge be ſo carried away by the ice or otherwiſe deſtroyed, or be not rendered paſſable for carriages within thirty days after becoming impaſſable as aforeſaid; that in either of the ſaid caſes, the ſaid preſident, directors and company, or the ſtockholders of the ſaid company, if this corporation ſhall become diſſolved, ſhall re-convey to the ſaid owners reſpectively and their reſpective heirs and aſſigns, if thereunto required, ſuch parts of the land now belonging to the ſaid owners as ſhall be appropriated or obtained by the ſaid preſident, directors and company, by appraiſement or otherwiſe, for the uſe of the ſaid company, at and for ſuch ſum and ſums of money as the ſaid owners reſpectively ſhall receive for the ſame; and if the ſaid preſident, directors and company, or the ſtock- 15
holders thereof, if the corporation ſhall become diſſolved, ſhall, within twenty days after ſuch requeſt made, refuſe or neglect to execute ſuch re-conveyance, ſuch land ſhall become veſted in the ſaid owners reſpectively making ſuch requeſt, in the ſame manner as the ſaid owners held the ſame before it was obtained or appropriated as aforeſaid.

VI. *And be it further enacted*, That it ſhall not be lawful for 16
any perſon or perſons to erect any bridge acroſs the ſaid river, within two miles up or down the ſaid river, from the place where the bridge aforeſaid ſhall be erected and built by the ſaid company.

VII. *And be it further enacted*, That it ſhall and may be lawful 17
for the ſaid preſident and directors to call on and demand from the ſtockholders reſpectively, all ſuch ſums of money by them

ſubſcribed or to be ſubſcribed, at ſuch times and in ſuch proportions as they ſhall ſee fit, under pain of forfeiture of their ſhares, and of all previous payments thereon, to the ſaid preſident, directors and company.

18 VIII. *And be it further enacted*, That the ſaid bridge ſhall be built at leaſt twenty-five feet wide, and be well covered with plank not leſs than three inches thick, the ſides of the ſaid bridge to be ſecured with good ſubſtantial railings, and ſhall be ſo conſtructed that at leaſt one opening under the ſame, of not leſs than one hundred feet, between the piers, ſhall be left for the paſſage of rafts and boats.

19 IX. *And be it further enacted*, That as ſoon as the ſaid bridge ſhall be finiſhed and completed, and the judges of the court of common pleas in and for the county of Renſſelaer, or any of them, ſhall, upon inſpection, certify under their hands, that the ſaid bridge is well and ſufficiently conſtructed and built, and will admit of the paſſage of teams with loaded carriages, it ſhall and may be lawful for the ſaid preſident and directors, to erect a gate at either end of the ſaid bridge, and demand, receive and take, for the uſe of the ſaid corporation, a toll not exceeding the following
20 rates, to wit: For every four wheel pleaſure carriage, drawn by four horſes, thirty cents; if drawn by two horſes, twenty-five cents; every curricle, chaiſe, chair or ſulky, drawn by one horſe, twelve and a half cents, if drawn by two horſes, eighteen cents; every waggon and two horſes, twelve and an half cents, and three cents for every additional horſe; every ſled or ſleigh, drawn by two horſes, nine cents, and three cents for every additional horse; each ox waggon or cart, drawn by two oxen, twelve and an half cents, and each additional yoke of oxen, ſix cents; every one horſe cart, ſix cents; every one horſe waggon, ſleigh or ſled, ſix cents; every man and horſe, ſix cents; every foot paſſenger, two cents; every horſe, jack or mule, three cents; every cow or other neat cattle, two cents; every ſcore of ſheep or hogs, ten cents; and ſo
21 in proportion for a greater or leſs number; and it ſhall be lawful for the toll-gatherer at ſaid gate, to ſtop every foot paſſenger and any perſon driving, riding or leading any beaſt or carriage from going through ſuch gate, until they ſhall have reſpectively paid
22 the toll herein allowed to be collected: *Provided nevertheless*, That any troops in the ſervice of this ſtate or any of the United States, and all artillery, all waggons and other carriages and ſtores of every kind, belonging to this ſtate or to the United States, ſhall paſs ſaid bridge without paying toll.

23 X. *And be it further enacted*, That from and after the expiration of ſaid term of ſeventy-five years, the ſaid bridge with its appurtenances ſhall become the property of, and be veſted in the people of this ſtate.

24 XI. *And be it further enacted*, That the ſaid preſident and directors, for the time being, or a major part of them, ſhall have power to appoint a treaſurer and clerk, and one or more toll-gath-
25 erers, and to make and preſcribe ſuch bye-laws, rules and regula-

tions as to them ſhall appear needful and proper, touching the management and diſpoſition of the ſtock, property and eſtate of the ſaid corporation, the duties of their treaſurer, clerks, agents and ſervants employed therein, and all ſuch matters as appertain to the ſaid corporation: *Provided*, That ſuch bye-laws, rules and 26
regulations, be not inconſiſtent to the conſtitution and laws of the United States or of this ſtate.

XII. *And be it further enacted*, That if any perſon or perſons 27
ſhall wilfully do or cauſe to be done any act whatſoever, whereby the ſaid bridge or any thing appertaining to the ſame ſhall be impaired, weakened or injured, the perſon or perſons ſo offending ſhall forfeit and pay to the ſaid company treble the amount of the damages ſuſtained by means of ſuch offence or injury, to be recovered by the ſaid company with coſts of ſuit, in an action of treſpaſs, in the name of the treaſurer of ſaid company, to their uſe, in any court of record having cognizance thereof, which action ſhall in every inſtance be conſidered as tranſitory in its nature.

XIII. *And be it further enacted*, That if any perſon or perſons 28
ſhall forcibly paſs the gate to be erected over ſaid bridge in purſuance of this act, or ſhall cauſe his or their horſe, carriage, waggon, ſled, cattle or other thing or things, to paſs the ſame without having paid the legal toll for paſſing ſaid bridge, ſuch perſon or perſons ſhall forfeit and pay a fine not exceeding ten dollars nor leſs than one dollar, to be recovered by the treaſurer of the ſaid corporation, to their uſe, in an action of treſpaſs; which action ſhall in every inſtance be conſidered as tranſitory in its nature.

XIV. *And be it further enacted*, That if any toll-gatherer ſhall 29
unreaſonably delay or hinder any traveller or paſſenger at the ſaid gate, or ſhall demand and receive more toll than is by this act eſtabliſhed, he ſhall for every ſuch offence forfeit and pay the ſum of ten dollars, to be ſued for and recovered before any juſtice of the peace in the county where ſuch offence ſhall be committed, for the ſole uſe of the perſon ſo unreaſonably delayed, hindered or defrauded.

XV. *And be it further enacted*, That in caſe the aforeſaid bridge 30
ſhall not be erected, built and completed, on or before the firſt day of November, in the year of our Lord one thouſand eight hundred and five, then the corporation created by this act ſhall be adjudged and conſidered as diſſolved.

XVI. *And be it further enacted*, That if the ſaid bridge after the 31
ſame ſhall have been completed, ſhall at any time be impaſſable for the term of thirty days, that then the ſaid corporation ſhall ceaſe, and the ſame is hereby declared in ſuch caſe to be diſſolved: *Provided nevertheless*, That no ſuch diſſolution of the ſaid corporation ſhall take place if the ſaid bridge ſhall be carried away by ice, freſhets, rafts, or any unavoidable accident, in caſe the ſame ſhall be re-built within two years after the ſame ſhall be ſo carried away.

XVII. *And be it further enacted*, That this act be and is here-

by declared to be a public act, and shall be construed benignly and favourably for every beneficial purpose herein intended.

32 XVIII. *And be it further enacted*, That it shall be the duty of the said corporation, to cause to be affixed in a conspicuous place
33 over the gate, a printed list of the rates of toll; and in default thereof to be subject to the penalty of five dollars for every forty-eight hours, to be sued for and recovered by any person who shall prosecute for the same in his own name.

FORT-MILLER BRIDGE.

CHAP. XXXIII.

Contents.

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An ACT *to incorporate the Fort-Miller Bridge Company.*

Passed March 16th, 1803.

1. BE *it enacted by the People of the State of New-York, represented*
1 *in Senate and Assembly*, That Solomon Smith, Harmen

Van Vechten, Walter Van Vechten, George Jackways, Ephraim Crocker, Hugh Peebles, Gerrit Peebles, Thomas Carpenter and Richard Davis, and their prefent and future affociates, their fucceffors and affigns, be and they are hereby created a body corporate and politic, by the name of The prefident and directors of the Fort-Miller Bridge Company, for the purpofe of building a bridge over the Hudfon river, at the moft convenient place within forty rods of the ferry commonly called Dumont's ferry; and they are hereby ordained, conftituted and declared to be a body corporate and politic, in fact and in name, for and during the term of feventy-five years; and by that name they and their fucceffors fhall and may have continual fucceffion, and fhall be perfons in law capable of fuing and being fued, pleading and being impleaded, anfwering and being anfwered unto, defending and being defended, in all courts and places whatfoever; and that they and their fucceffors may have a common feal, and may change and alter the fame at their pleafure; and alfo that they and their fucceffors, by the fame name and ftyle, fhall be in law capable of purchafing, holding and conveying any eftate, real or perfonal, for the ufe of the faid corporation: *Provided*, The real 2
eftate fo to be purchafed fhall be fuch only as fhall be neceffary to promote or attain the object of this corporation.

II. *And be it further enacted*, That the ftock, property, affairs 3
and concerns of the faid corporation, and the manner of obtaining fubfcriptions thereto, fhall be managed by feven directors, who 4
fhall be ftockholders, and fhall be annually chofen and elected on the firft Monday in October in each and every year, at fuch place in the village of Fort-Miller, or at fome convenient place near the faid bridge, as the directors for the time being or any four of them fhall appoint, of which notice fhall be given in one of the newfpapers printed in the city of Albany, and one of the newfpapers printed in Waterford, at leaft twenty days before the day of meeting; that all elections fhall be by ballot, and the perfons having the greateft number of votes fhall be the directors, and fhall hold their offices for one year and until others fhall be chofen in
their places; and if any vacancies fhall happen among the direc- 5
tors by death, refignation or otherwife, fuch vacancies fhall be filled for the remainder of the fpace in which they may happen by the appointment of the other directors, for the time being, or
a majority of them; and that the firft directors fhall be Solomon 6
Smith, Harmen Van Vechten, Walter Van Vechten, Hugh Peebles, Ephraim Crocker, George Jackways, Gerrit Peebles, Thomas Carpenter, and Richard Davis, and fhall hold their offices until the firft Monday in October in the year of our Lord one thoufand eight hundred and four, or until others fhall be chofen
to fucceed them; and that the faid directors fhall, at their firft 7
meeting after fuch election, appoint one of their number to be prefident.

III. *And be it further enacted*, That the number of fhares in 8
the ftock of faid company fhall not at any time exceed one thou-

9 ſand, of forty dollars each ſhare; and that the ſaid ſhares ſhall be
10 taken and deemed and conſidered to be perſonal eſtate, and ſhall and may be transferable.

11 IV. *And be it further enacted*, That at all elections for directors each ſtockholder ſhall be entitled to a number of votes proportioned to the number of ſhares he or ſhe ſhall hold in his or her name.

12 V. *And be it further enacted*, That the ſaid preſident and directors, their agents, artiſts or other perſons employed by them, may enter on and take poſſeſſion of the lands on each ſide of the ſaid river where the ſaid preſident and directors ſhall determine
13 to build ſaid bridge; and in caſe ſuch land ſo taken poſſeſſion of ſhall not be part of the public highway, the ſaid corporation ſhall pay the owners thereof, on receiving a conveyance of the land, the value of ſo much of the ſame as may be neceſſary for making ſaid bridge and erecting and eſtabliſhing a gate, toll-houſe, and
14 all other works to the ſaid bridge belonging; and in caſe of disagreement between the parties as to ſuch value, the ſame ſhall and may be aſcertained by three indifferent freeholders of the county where ſuch lands ſhall lie, who ſhall be appointed for that purpoſe, and ſworn to make a juſt valuation, by the judges of the court of common pleas for the ſame county, or a majority of them, not intereſted therein, on application from the ſaid preſident and directors, to them for ſuch appointment: *Provided nevertheless*, That it ſhall not be lawful for the ſaid preſident and directors to enter on or take poſſeſſion of ſaid land, until the owner or owners thereof ſhall be paid the value of the ſame, to
15 be aſcertained as above directed: *And provided alſo*, If the ſaid bridge ſhall be carried away by the ice or otherwiſe deſtroyed, or become impaſſable for carriages, and be not re-built in two years after ſuch bridge be ſo carried away by the ice or otherwiſe deſtroyed, or be not rendered paſſable for carriages within thirty days after becoming impaſſable as aforeſaid, that in either of ſaid
16 caſes, the ſaid corporation ſhall become diſſolved, and ſhall reconvey to the ſaid owners reſpectively, and their reſpective heirs and aſſigns, if thereunto required, ſuch parts of the land now belonging to the ſaid owners, as ſhall be appropriated or obtained by the ſaid preſident, directors and company, by appraiſement or otherwiſe, for the uſe of the ſaid company, at and for ſuch ſum or ſums of money as the ſaid owner or owners reſpectively ſhall receive for the ſame; and if the ſaid preſident, directors and company, or the ſtockholders thereof, if the corporation ſhall become diſſolved, ſhall within twenty days after ſuch requeſt made, refuſe or neglect to execute ſuch re-conveyance, ſuch land ſhall become veſted in the ſaid owners reſpectively making ſuch requeſt, in the ſame manner as the ſaid owners held the ſame before it was obtained or appropriated as aforeſaid.

17 VI. *And be it further enacted*, That it ſhall not be lawful for any perſon or perſons to erect any bridge acroſs the ſaid river, at any place between Fort-Miller and Saratoga falls, after
18 the aforeſaid bridge is completed; and that the ſaid compa-

ny have two years to build the ſaid bridge after the paſſing of this act.

VII. *And be it further enacted*, That the ſaid bridge ſhall be 19
built at leaſt twenty-five feet wide, and be well covered with plank, not leſs than three inches thick, the ſides of the ſaid bridge to be ſecured with good ſubſtantial railings, and ſo conſtructed that at leaſt one opening under the ſame, of not leſs than one hundred feet between the piers, ſhall be left for the paſſage of rafts.

VIII. *And be it further enacted*, That as ſoon as the ſaid 20
bridge ſhall be completed, and the judges of the courts of common pleas for the counties of Waſhington and Saratoga, not interested therein, or any two of them, ſhall, upon inſpection, certify under their hands, that the ſaid bridge is well and ſufficiently completed and built, and will admit the paſſage of teams with loaded carriages, it ſhall and may be lawful for the ſaid preſident and directors, to erect a gate at the end of the ſaid bridge and demand and take for the uſe of the ſaid corporation, a toll not exceeding the following rates, to wit: For every four wheel 21
pleaſure carriage, drawn by four horſes, thirty cents, if drawn by two horſes, twenty-five cents; every curricle, chaiſe, chair or ſulkey, drawn by one horſe, twelve and an half cents, if drawn by two horſes, eighteen cents; every waggon and two horſes, twelve and an half cents, and three cents for every additional horſe; every ſled or ſleigh drawn by two horſes, nine cents, and three cents for every additional horſe; each ox waggon or cart drawn by two oxen, twelve and an half cents, and each additional yoke of oxen, ſix cents; every one horſe cart, ſix cents; every one horſe waggon, ſleigh or ſled, ſix cents; every man and horſe, ſix cents; every foot paſſenger, two cents; every horſe, jack or mule, three cents, every cow or other neat cattle, two cents; every ſcore of ſheep or hogs, ten cents, and ſo in proportion for a greater or leſs number: And it ſhall be lawful for the 22
toll-gatherer at ſaid gate to ſtop every foot paſſer and any perſon from paſſing through ſuch gate until they ſhall have reſpectively paid the toll herein allowed to be collected: *Provided nevertheless*, That any troops in the ſervice of this ſtate, or of any of the 23
United States, and all artillery, all waggons and other carriages and ſtores of every kind belonging to this ſtate or to the United States, ſhall paſs ſaid bridge without paying toll.

IX. *And be it further enacted*, That the ſaid preſident and di- 24
rectors, for the time being, or a majority of them, ſhall have power to appoint a treaſurer and clerk, and one or more toll-gatherers, and to make and preſcribe ſuch bye-laws, rules and 25
regulations as to them ſhall appear needful and proper, touching the management and diſpoſition of the ſtock, property and eſtate of the ſaid corporation, the duties of the treaſurer, clerks, agents and ſervants employed therein, and all ſuch matters as appertain to the ſaid corporation: *Provided*, That ſuch bye-laws, rules

and regulations be not inconsistent with the constitution and laws of the United States or of this state.

26 X. *And be it further enacted*, That if any person or persons shall wilfully do or cause to be done any act whatsoever, whereby the said bridge or any thing appertaining to the same shall be impaired, weakened or injured, the person or persons so offending shall forfeit and pay to the said company treble the amount of the damages sustained by means of such offence or injury, to be recovered by the said company, with costs of suit, in an action of trespass, in the name of the treasurer of the said company, to their use, in any court of record having cognizance thereof, which action shall in every instance be considered as transitory in its nature.

27 XI. *And be it further enacted*, That if any person or persons shall forcibly pass the gate to be erected on said bridge in pursuance of this act, or shall cause his or their horse, carriage, waggon, sleigh, sled, cattle or other thing or things to pass the same, without having paid the legal toll for passing said bridge, such person or persons shall forfeit and pay a fine not exceeding ten dollars, nor less than one dollar, to be recovered by the treasurer of the said corporation, to their use, in an action of trespass; which action shall in every instance be considered as transitory in its nature.

28 XII. *And be it further enacted*, That it shall be the duty of the said corporation to cause to be affixed, in a conspicuous place
29 over the gate, a printed list of the rates of toll; and in default thereof, to be subject to the penalty of five dollars for every forty-eight hours, to be sued for and recovered by any person who shall prosecute for the same in his own name.

30 XIII. *And be it further enacted*, That if any toll-gatherer shall unreasonably delay or hinder any traveller or passenger at the said gate, or shall demand or receive more toll than is by this act established, he shall for every such offence forfeit and pay the sum of fifteen dollars, to be sued for and recovered before any justice of the peace in the county wherein such offence shall have been committed, for the use of the person so unreasonably delayed, hindered or defrauded.

XIV. *And be it further enacted*, That this act be and is hereby declared to be a public act, and that the same be, for the time herein before limited, construed in all courts and places benignly and favourably for every beneficial purpose therein mentioned.

31 XV. *And be it further enacted*, That from and after the expiration of the term of seventy-five years, the said bridge, with its appurtenances, shall become the property of, and be vested in the people of this state.

NEWTOWN BRIDGE.

CHAP. LVII.

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An ACT *to authorize the building of a Toll-Bridge over Newtown Creek, in Queens County, and the laying out a Road from Newtown, in the County aforesaid, across the said Bridge through Bushwick, in Kings County, to the East River.*

Passed March 26th, 1803.

1 I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That there shall be established a company of stockholders, for the purpose of building a bridge over Newtown creek, in the county of Queens, and of laying open and making a good and sufficient road from the town of Newtown aforesaid, across the creek aforesaid, and through the town of Bushwick, in Kings county, to some point or place on the bank of the East river, to be fixed upon as herein after is provided, who shall be and are hereby created and made a corporation and body politic, in fact and in name, to be known and distinguished by the name of the "Newtown and Bushwick Bridge Company," and by that name they and their successors for ever, shall and may have perpetual succession, and shall be and are hereby made capable in law of suing and being sued, impleading and being impleaded, answering and of being answered unto, defending and of being defended, in all courts and places whatsoever, and also shall and may make, use and have a common seal, and the same at pleasure alter, and also by that name shall be and hereby are made capable in law of purchasing, holding and conveying any estate real and personal, that may be necessary to enable them to fulfil the end and intent of the corporation hereby created.

2 II. *And be it further enacted*, That the capital stock of the said company, shall consist of two hundred and forty shares, and that the amount to be paid for each share shall be twenty-five dollars; and that each stockholder shall be entitled to a vote for every share he or she shall hold: *Provided*, That no person shall in any case be entitled to more than twenty votes: And subscriptions for
3 shares shall be taken in the manner following, to wit: Samuel Osgood, Marinus Willet and Samuel Riker, shall be and are hereby appointed commissioners for taking subscriptions, and shall on or before the first day of May next, procure three books, and in each of them enter as follows: We whose names are hereunder subscribed, do for ourselves and our legal representatives, promise to pay to the Newtown and Bushwick bridge company, the sum of twenty-five dollars, for each share of stock in the said company set opposite to our respective names, in such manner and proportion, and at such time and place as shall be determined by the president and directors of the said company, until the whole of twenty-five dollars is paid on each share;" one of which books shall be left with each of the said commissioners, at their several places of abode, who shall respectively open their books for taking subscriptions for the purpose aforesaid, on the said first day of May next, and shall continue them open from day to day until the
4 whole number of shares are subscribed for; and each subscriber

ed in laying out or opening of the said road; which said fences, so to be put up by the said company, shall afterwards be repaired and maintained by the persons whose property is thereby enclosed.

VI. *And be it further enacted*, That the president and directors of the said company, or any agent, superintendent or artist, by them appointed or employed, may enter into any land to be included in the survey so as aforesaid to be made, or which may be necessary to enable them to construct the said bridge, and to lay out and open the said road, and may contract and agree with the owner or owners of the land, for the purchase of so much thereof as may be necessary for the purpose of building the said bridge, and of laying out and opening the said road, and for erecting and establishing gates, toll-houses and all other works to the said bridge belonging, if they can agree with such owners; but in case of disagreement between the president and directors of the said company, and the owner or owners respecting the damages to be done to the said land, or if the owner or owners thereof shall be insane, feme covert, infants, or out of the state, then the said president and directors may apply to one of the judges of the said county of Queens, or the said county of Kings, in which ever of the said counties such lands shall lie, and who is not interested in the said road or bridge, who shall thereupon nominate and by an instrument in writing under his hand, appoint three freeholders of the said county of which he shall so be a judge, not being inhabitants of either of the aforesaid towns, nor of the town of Brooklyn, who shall do and perform the duties herein after mentioned; and it shall be the duty of the president and directors, to cause a copy of such appointment to be served on each of the three freeholders so to be appointed, and also to give notice to the owner or owners of such lands of such appointment, and the time and place which shall be determined upon by the said freeholders so appointed, at least ten days previous to such meeting, when and where they will meet to examine the land and assess the damages, except the owner or owners shall labour under any of the disabilities before mentioned or be absent, in either of which cases a copy of such notice may be left at the dwelling-house of the party, (if any) or other notorious place on the land through which such road shall be laid: *And further*, each of the said freeholders so to be appointed, shall before he proceeds to execute the trust reposed in him by this act, take and subscribe an oath or affirmation, before one of the justices of the peace in and for the said county, where the said land shall lie, that he will without favour or partiality, estimate and assess the damages that may be sustained by the owner or owners of any lands or improvements, which the said company shall deem necessary for the said bridge, and for the laying out and opening of the said road, and the said freeholders, so as aforesaid to be appointed, shall then proceed to view the premises, and having determined the damages shall make an inquisition under their hands and seals, or the hands and seals of any two of them stating the amount of damages which each or any of the owners, 22

12 pass: And it shall also be the duty of the said commissioners to determine of what width the said bridge and road shall be; so, nevertheless, that the said bridge shall not be less than twenty-one feet
13 wide, and the said road not less than three rods wide; and after having made such examination, and agreed and determined upon the spot or place where the bridge shall be built over the said creek, and the route or course that the said road shall run from Newtown over the said creek, through Bushwick, to the East river, as aforesaid; and the width of the said bridge and road, the said commissioners shall cause a proper survey thereof to be made and returned to them, which they, or any two of them, shall certify under their hands, and deliver to the president and directors of the
14 said company, on or before the first day of July next, together with a certified account of the expenses attending such examination and survey, which shall be forthwith paid to the said commissioners,
15 by the president and directors of the said company; and it shall and may be lawful for the said commissioners, together with such persons as they shall employ to enter upon any land that they shall think necessary, for the purpose of making such examinations as aforesaid, and of executing and completing such survey as aforesaid.

16 IV. *And be it further enacted*, That when the aforesaid survey shall be completed and delivered, in manner aforesaid, to the president and directors of the said company, they shall thereupon cause a bridge and causeway to be built, and a road to be laid out opened and improved, so as to be in the ordinary condition of common roads.

17 V. *And be it further enacted*, That the bridge so to be built over the Newtown creek, and causeway made over the meadow aforesaid, shall be not less than twenty-one feet wide, and shall be built of wood or other materials sufficiently strong for the safe passage of persons, loaded carriages and teams, and shall be well secured with a good and sufficient railing on each side thereof, not less than four feet and six inches high, and shall be constructed on
18 the plan of a draw-bridge, having at least one draw, with fit and complete machinery to draw up and let down; which said draw shall not be less than eighteen feet wide in the clear, and the piles or buttments on each side of the said draw, shall be so far distant from each other as to admit a rast of twenty-one feet wide to pass
19 under: And it shall be the duty of the said company to keep, and at all times have ready, proper persons to attend to the drawing up of the said bridge, for the passing of any vessel or vessels, for which no toll or other compensation shall be demanded or be
20 taken; and and it shall also be the duty of the said company, at all times to keep and maintain, in good and sufficient repair, the bridge aforesaid, and lay out in repairs a sum not less than fifty
21 dollars annually on said road: *Provided*, The said company shall, at their own expense, set up good and lawful fences on each side of the said road, which shall be so laid out and opened as aforesaid, with liberty to use the materials of any fence which may be remov-

ed in laying out or opening of the said road; which said fences, so to be put up by the said company, shall afterwards be repaired and maintained by the persons whose property is thereby enclosed.

VI. *And be it further enacted*, That the president and directors of the said company, or any agent, superintendent or artist, by them appointed or employed, may enter into any land to be included in the survey so as aforesaid to be made, or which may be necessary to enable them to construct the said bridge, and to lay out and open the said road, and may contract and agree with the owner or owners of the land, for the purchase of so much thereof as may be necessary for the purpose of building the said bridge, and of laying out and opening the said road, and for erecting and establishing gates, toll-houses and all other works to the said bridge belonging, if they can agree with such owners; but in case of disagreement between the president and directors of the said company, and the owner or owners respecting the damages to be done to the said land, or if the owner or owners thereof shall be insane, feme covert, infants, or out of the state, then the said president and directors may apply to one of the judges of the said county of Queens, or the said county of Kings, in which ever of the said counties such lands shall lie, and who is not interested in the said road or bridge, who shall thereupon nominate and by an instrument in writing under his hand, appoint three freeholders of the said county of which he shall so be a judge, not being inhabitants of either of the aforesaid towns, nor of the town of Brooklyn, who shall do and perform the duties herein after mentioned; and it shall be the duty of the president and directors, to cause a copy of such appointment to be served on each of the three freeholders so to be appointed, and also to give notice to the owner or owners of such lands of such appointment, and the time and place which shall be determined upon by the said freeholders so appointed, at least ten days previous to such meeting, when and where they will meet to examine the land and assess the damages, except the owner or owners shall labour under any of the disabilities before mentioned or be absent, in either of which cases a copy of such notice may be left at the dwelling-house of the party, (if any) or other notorious place on the land through which such road shall be laid: *And further*, each of the said freeholders so to be appointed, shall before he proceeds to execute the trust reposed in him by this act, take and subscribe an oath or affirmation, before one of the justices of the peace in and for the said county, where the said land shall lie, that he will without favour or partiality, estimate and assess the damages that may be sustained by the owner or owners of any lands or improvements, which the said company shall deem necessary for the said bridge, and for the laying out and opening of the said road, and the said freeholders, so as aforesaid to be appointed, shall then proceed to view the premises, and having determined the damages shall make an inquisition under their hands and seals, or the hands and seals of any two of them stating the amount of damages which each or any of the owners, 22

of any parcel of land uſed or to be uſed for the ſaid bridge or road, have ſuſtained or ſhall ſuſtain, which inquiſition ſhall be acknowledged by the ſaid freeholders, ſigning the ſame, before one of the judges of the county in which the ſaid land ſhall lie, and filed in the office of the clerk of the ſaid county, who ſhall at the coſt, charge and expenſe of the ſaid company, record the ſame in the book of deeds; and the ſaid company ſhall pay to the ſaid ſeveral owners of the land, the ſeveral ſums awarded by ſuch inquiſition, and ſhall thereupon be entitled to make uſe of the ſame for the bridge and road aforeſaid: And the ſaid company ſhall pay to the judge for the appointment aforeſaid two dollars, and to each of the ſaid freeholders for each day neceſſarily attending the duties required of him by this act, two dollars and fifty cents.

23 VII. *And be it further enacted*, That as ſoon the ſaid bridge ſhall be completed, and any two judges of the court of common pleas of the ſaid counties of Queens and Kings, one from each county, not intereſted in the ſaid road or bridge, ſhall upon inſpection certify, under their hands, that the ſaid bridge is well and ſufficiently conſtructed and built, it ſhall be lawful for the preſident and directors of the ſaid company to erect a gate at the end of the
24 ſaid bridge, and demand, receive and take for the uſe of the ſaid corporation, from all and every perſon and perſons paſſing through the ſaid gate, a toll not exceeding the following rates, to wit: for every ſcore of ſheep or hogs, four cents; for every ſcore of cattle, mules or horſes, eight cents; for every cart drawn by one horſe, four cents; for every phaeton, chariot, coach or coachee, eighteen cents; for every ſtage-waggon or other four wheeled carriage drawn by two horſes, eight cents; for every common waggon drawn by two horſes, ſix cents; for every ſleigh drawn by one or two horſes, three cents; and two cents for every additional horſe; for every cart drawn by two oxen, mules or horſes, four cents; and for every additional ox, mule or horſe, one cent, and in the like proportion, if drawn by a greater or leſs number of horſes, mules or oxen; for every chaiſe, gig or ſulkey, eight cents; for every man on horſeback, four cents; and for every foot paſſenger, one cent; and it ſhall be lawful for the toll-gatherers to ſtop any perſon leading or driving any horſe, cattle, ſheep, hogs, ſulkey, phaeton, chair, chaiſe or other carriage of burthen or pleaſure, or any foot paſſenger, from paſſing the ſaid gate or turnpike, until they ſhall have reſpectively paid the toll as above ſpecified.

25 VIII. *And be it further enacted*, That the ſaid company ſhall affix to the gate of the ſaid bridge a printed liſt of the rates of
26 toll which may be lawfully demanded; and if any perſon ſhall break, cut or deſtroy any part of the bridge, turnpike or gate, which ſhall be erected in purſuance of this act, or ſhall forcibly paſs the ſaid gate without having paid the legal toll at ſuch gate or turnpike, ſuch perſon or perſons ſhall forfeit and pay ten dollars, to be recovered with coſts of ſuit, by the ſaid company to their uſe in an action of debt.

IX. *And be it further enacted*, That if any traveller or paſſen- 27
ger ſhall be unreaſonably delayed at the gate of the ſaid bridge, or any boat or veſſel from paſſing through the draw thereof, or if a greater toll ſhall be demanded or received by the ſaid company, their agents or ſervants, than is by this act eſtabliſhed, ſuch agent or ſervant ſo occaſioning ſuch unreaſonable delay or detention as aforeſaid, or demanding or receiving any greater toll than aforeſaid, the preſident and directors ſhall, for every ſuch offence, forfeit and pay the ſum of ten dollars, with coſts of ſuit, to be proſecuted for and recovered before any juſtice of the peace of the county of Queens or Kings aforeſaid, for the ſole uſe of the perſon or perſons ſo unreaſonably delayed or attempted to be defrauded.

X. *And be it further enacted*, That in caſe the ſaid bridge is 28
not built, made and completed within three years from and after the paſſing of this act, the ſaid corporation hereby created ſhall ceaſe and be diſſolved.

XI. *And be it further enacted*, That the ſhares in the ſaid com- 29
pany ſhall be deemed, taken and conſidered to be perſonal eſtate, and ſhall and may be transferable, in ſuch manner and under ſuch regulations as the preſident and directors of the ſaid company may eſtabliſh.

XII. *And be it further enacted*, That the preſident and directors 30
of the ſaid company ſhall keep a juſt and true account of all monies received by them from the commiſſioners firſt named, and from the ſtockholders; and of all monies expended by them in and about the affairs and concerns of the ſaid company, to be laid before the ſtockholders thereof, if required, once in every year, on the day of election of directors; and ſhall keep a juſt and true account of all monies received by the collectors of toll on the ſaid bridge, and ſhall half yearly make and declare a dividend of the clear profits and income, all contingent charges being firſt deducted, amongſt all the ſtockholders of the ſaid corporation; the firſt dividend to be declared and made ſix months after the gate or turnpike is opened; and ſhall publiſh the half yearly dividend, to be made of the clear profit amonſt the ſtockholders, and of the times and places when and where the ſame will be paid and ſhall cauſe the same to be paid accordingly.

XIII. *And be it further enacted*, That the preſident and directors 31
of the ſaid company, ſhall within ſix months after the ſaid bridge ſhall be completed, lodge in the comptroller's office of this ſtate an account of the expences thereof, and the corporation ſhall an- 32
nually exhibit to the comptroller, a true account of all the income ariſing from the ſaid toll, with the annual diſburſements on the ſaid bridge and road.

XIV. *And be it further enacted*, That the legiſlature may diſ- 33
ſolve the ſaid corporation whenever the income ariſing from the ſaid toll ſhall have fully compenſated the ſaid corporation for all monies they may have expended in purchaſing and making of the ſaid road and bridge, and of keeping in repair and taking care of

the ſaid bridge, together with an intereſt thereon of fourteen per
34 centum per annum; and thereupon the right, intereſt and property of the ſaid bridge ſhall be veſted in the people of this ſtate, and be and remain at their diſpoſal.

35 XV. *And be it further enacted*, That this act be and is hereby declared to be a public act.

MINDEN AND PALATINE BRIDGE.

CHAP. XCI.

CONTENTS.

2. Bridges, where to be erected---23. How to be made.
1. Company, their style and corporate rights.---16, 21, 22. When and for what causes to be dissolved.
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7. ------- First board of, appointed.
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20. Dividends, how declared and paid.
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3. Estate, which the corporation is authorized to hold, limited.
17. Gate, when to be erected and toll exacted.
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10. Shares, number and amount of each.---12. Apportioned for voting.
11. ------- Instalments on, directors empowered to demand, and to declare them forfeited in case of non-payment.
18. Toll, rates of.
19 ------- Who exempt from the payment of.
5, Treasurer, how chosen.
8. ------- The, first appointed.

An ACT *to incorporate the Montgomery Bridge Company.*

Paſſed April 5th, 1803.

I. BE *it enacted by the People of the State of New-York, represent-*
1 *ed in Senate and Assembly*, That Abraham Oothoudt, Peter W. Fox, Peter Waggoner, junior, George Waggoner, Philip Nellis, Volkert D. Oothoudt, Jonas Oothoudt and Gerrit Oothoudt, and their preſent and future aſſociates, their ſucceſſors and aſſigns, be and they are hereby created a body corporate and
2 politic for the term of forty years, by the name of "The Preſident and Directors of the Montgomery Bridge Company," for the purpoſe of erecting and building a bridge over each branch of the Mohawk river between the towns of Minden and Palatine, in the county of Montgomery, near the ſtore of Jonas Oothoudt and company, and at a place where a certain iſland lies in the

ſaid river nearly oppoſite the diviſion line of the land belonging to Peter Waggoner and Peter W. Fox, on the ſaid iſland; and ſaid bridges ſhall be ſo conſtructed as not to hinder or impede the preſent or future navigation of ſaid river, and they are hereby ordained, conſtituted and declared to be a body politic and corporate in fact and in name, for the term aforeſaid, and by that name they and their ſucceſſors ſhall and may have ſucceſſion, and ſhall be perſons in law capable of ſuing and being ſued, pleading and being impleaded, anſwering and being anſwered unto, defending and being defended, in all courts and places whatſoever, in all manner of ſuits, actions and cauſes whatſoever, and that they and their ſucceſſors ſhall be in law capable of purchaſing, holding and conveying any eſtate, real or perſonal, for the public uſe of the ſaid corporation: *Provided*, That the whole of the eſ- 3
tate of the ſaid corporation, ſhall not exceed five thouſand dollars.

II. *And be it further enacted*, That the ſtock, property, affairs 4
and concerns of the ſaid corporation, and the manner of obtaining ſubſcriptions thereto, ſhall be managed, conducted and directed by five directors, who ſhall be ſtockholders; and ſhall together 5
with a treaſurer be annually choſen and elected on the firſt Tueſday of May in every year, and at ſuch place as the directors for the time being ſhall appoint, of which notice ſhall be given in newſpapers printed in the county of Montgomery, or if there ſhall be no paper printed in the ſaid county, then in one of the newſpapers printed in the city of Albany, at leaſt thirty days before the day of meeting; that all elections for treaſurer and directors ſhall be by ballot; and ſuch perſon who ſhall at any ſuch election have the greateſt number of votes as treaſurer, ſhall be treaſurer; and in like manner ſuch five perſons who ſhall have the greateſt number of votes at ſuch election, as directors, ſhall be directors, and ſhall hold their reſpective offices for one year, and until others ſhall be chosen in their places: that if any vacancies 6
ſhall happen among the directors by death, reſignation or otherwiſe, ſuch vacancies ſhall be filled up, for the remainder of the year in which they ſhall happen, by the appointment of the other directors for the time being, or a majority of them; and that the 7
firſt directors ſhall be Abraham Oothoudt, Hanjoſt Waggoner, Peter W. Fox, Jonas Oothoudt and Jacob Abeel, and that Vol- 8
kert D. Oothoudt be the firſt treaſurer; who ſhall hold their reſpective offices until the firſt Tueſday of May in the year of our Lord one thouſand eight hundred and four, and until others ſhall be choſen to ſucceed them: and that the ſaid directors ſhall at 9
their firſt meeting after ſuch election appoint one of their number preſident.

III. *And be it further enacted*, That the number of ſhares or ſub- 10
ſcriptions conſtituting the ſtock or fund of the ſaid corporation, ſhall not exceed four hundred and fifty ſhares; that each ſhare ſhall be thirty dollars, to be paid on the requiſition of the preſident 11
and directors, in ſuch proportions, at ſuch periods, and after ſuch notice as they ſhall direct and appoint, upon pain of forfeiture

of such shares and all previous payments, if such requisition shall not be complied with within forty days after the time appointed
12 for that purpose: That each stockholder shall be entitled to a number of votes proportioned to the number of shares which he or she shall have or hold in his or her name, according to the following ratio, that is to say: Every owner of one or more shares to the number of six, shall have one vote for each share; and for every two shares above six and under fourteen, one vote; and for every three shares above fourteen and under twenty, one vote; and one vote for every five shares above twenty.

13 IV. *And be it further enacted*, That the president and directors for the time being, or a majority of them, shall have the disposition of the funds of the said corporation, to and for the uses aforesaid, and shall annually, on the first Tuesday of May, lay before the stockholders of the said corporation a general statement of their accounts and proceedings; it shall be the duty of the president and directors to lodge with the treasurer, at least ten days previous to such annual meetings, for the inspection and examina-
14 tion of the stockholders: and the president and directors, for the time being, or the major part of them, shall have power to make and prescribe such rules and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property and estate of the said corporation, and touching the duties and conduct of their treasurer, secretary, clerks, agents and servants employed therein, and touching all such mat-
15 ters as appertain to the said corporation, with power to appoint such and so many workmen, clerks and servants, for the erecting and building of the said bridges as they may deem necessary.

16 V. *And be it further enacted*, That in case the said bridges shall not be erected, built and completed, on or before the first day of December in the year of our Lord one thousand eight hundred and five, then and in such case, the corporation by this act created shall be adjudged and considered as dissolved.

17 VI. *And be it further enacted*, That as soon as the said bridges shall be completed, and the judges of the court of common pleas in and for the county aforesaid, or a majority of them, shall upon inspection certify under their hands that the said bridges are well and sufficiently constructed and built, and will admit of the passage of loaded waggons and other carriages, it shall and may be lawful for the said president and directors to erect a gate on either side of the river, at the end of either of the said bridges, and de-
18 mand, receive and take, for the use of the said corporation, a toll not exceeding the following rates, to wit: Every four wheel pleasure carriage drawn by two horses, nineteen cents, if drawn by four horses, twenty-five cents; every two wheel pleasure carriage, drawn by one horse, nine cents, and if drawn by two horses twelve and an half cents; every waggon and two horses, twelve and an half cents, and if drawn by four horses, nineteen cents; each sled drawn with two horses or two oxen, six cents; each waggon or cart drawn with two oxen, twelve and an half cents,

each additional yoke of oxen ſix cents; every one horſe cart, ſix cents; every man and horſe, ſix cents; every foot paſſenger, two cents; every horſe, jack or mule, three cents; every ſcore of neat cattle, ten cents, and in that proportion for a greater or leſs number; every ſcore of ſheep or hogs, ten cents, and ſo in proportion for a greater or leſs number: *Provided nevertheless*, That any 19
troops in the ſervice of this ſtate, or of any other ſtate, or of the United States, and all waggons and other carriages with property of any kind belonging to this ſtate or the United States, ſhall be permitted to paſs the ſame toll free.

VII. *And be it further enacted*, That the preſident and directors 20
on the firſt Tueſday of January next after the ſaid bridges ſhall be completed, and ſhall have been certified by the ſaid judges in manner aforeſaid, and yearly thereafter, ſhall make a dividend among the ſtockholders of the ſaid corporation of the production of the toll, previouſly deducting therefrom the amount of all the monies by them expended in the making, repairing and rebuilding the ſaid bridges, and in the management of the concerns of the ſaid corporation, giving previous notice of ſuch dividend in the public newſpapers printed either in the county of Montgomery or in the city of Albany, as is herein before directed.

VIII. *And be it further enacted*, That from and after the expira- 21
tion of the ſaid term of forty years the ſaid bridges with their appurtenances ſhall become the property of and be veſted in the people of this ſtate.

IX. *And be it further enacted*, That if the ſaid bridges, or either 22
of them, after the ſame ſhall be completed, ſhall at any time during the ſaid term of forty years be impaſſable for the term of thirty days, that the ſaid corporation ſhall be and the ſame is hereby declared in ſuch caſes to be diſſolved: *Provided nevertheless*, That no ſuch diſſolution ſhall take place by reaſon of the ſaid bridges or either of them being carried away by the ice or freſhet, if the ſaid bridges ſhall be rebuilt within eighteen months thereafter.

X. *And be it further enacted*, That the ſaid bridges ſhall not be 23
leſs than twenty feet wide, and ſhall be well ſecured with a good and ſufficient railing on each ſide of the ſame not leſs than four feet high.

Bridge over Genesee-River.

CHAP. LXXXIX.

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2. Bridge, where to be erected.
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5. Treasurers of Ontario and Genesee, to pay monies to the order of the commissioners.

An ACT *to raise Money to build a Bridge across the Genesee River.*

Passed April 5th, 1803.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the supervisors of the counties of Ontario and Genesee shall be, and they hereby are authorized and required, at their next annual meeting in each county respectively, to direct to be raised, levied, collected and paid, as the necessary and contingent expences of said counties are by law directed to be raised, levied and collected, a sum not exceeding two thousand dollars in each of said counties, for the purpose of building a bridge across the Genesee river, between the towns of Hartford and Southampton, in the most eligible place on or near the western state road, together with the sum of five cents on each dollar for collecting the same, with one cent on each dollar for treasurer's fees: which sums when collected and paid into the respective treasuries of the said counties, to be drawn out by order of the commissioners to be appointed agreeably to this act.

II. *And be it further enacted*, That it shall be lawful for the person administering the government of this state to appoint one commissioner in each of the said counties, whose duty it shall be to superintend and direct the building of said bridge.

III. *And be it further enacted*, That it shall be the duty of the commissioners so to be appointed, to give a bond to the supervisors of the county of Ontario, in the penal sum of five thousand dollars, conditioned for the faithful discharge of the duties imposed on them by this act: and that it shall be lawful for the treasurers of the said counties of Ontario and Genesee, and they are hereby required and directed to pay to the order of the said commissioners, all monies which they may have received in virtue of this act.

IV. *And be it further enacted*, That it shall be the duty of said commissioners, and they are hereby required to account with the supervisors of the said county of Ontario for all monies which shall come into their hands by virtue of this act.

Turnpike Inspectors.

CHAP. XXX.

An ACT *regulating the Compensation of Inspectors or Commissioners of Turnpike Roads.*

Passed March 8th, 1803.

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the compensation hereafter to be allowed to the inspectors or commissioners appointed or to be

appointed by the governor for the purpose of inspecting any of the turnpike roads within this state, shall be at and after the rate of three dollars per day for each inspector or commissioner, for the time he or they shall necessarily attend in the premises.

Turnpikes.

NEWTOWN TURNPIKE.

CHAP. L.

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29. ------- In what cases persons to pass gate free from.

An ACT *to establish a Turnpike Corporation for improving and making a Road from the Village of Newtown, in the County of Tioga, to the Head of the Seneca Lake.*

Passed March 22d, 1803.

I. BE *it enacted by the People of the State of New-York, represented*
1 *in Senate and Assembly*, That Mathew Carpenter, James Sayre, Benjamin Barton, Joseph Colt, Caleb Baker, Phineas Catlin, William Jenkins, Isaac Baldwin, Guy Maxwell, Howes Goldsborough, Elijah H. Gordon, Walter Grieve and Thomas Powell, and all such others as shall associate for the purpose of
2 making a good and sufficient road, to run in the most direct and convenient route, as far as circumstances will admit, from the house now occupied by William Dunn, in the village of Newtown, in the county of Tioga, to the head of the Seneca lake, their successors and assigns, be and they are hereby created and
3 made a body corporate and politic, by the name of the "President, Directors and Company of the Newtown Turnpike Road," and they are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name, and by that name they and their successors shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; and they and their successors, by the same name and style, shall be in law capable of purchasing, holding and conveying any estate, real and personal, for the
4 use of the said corporation: *Provided*, That the amount of such real estate, which the said corporation are hereby authorized to purchase and hold, shall not exceed, at the time of purchasing the same, five thousand dollars. *And provided further*, That such estate, as well real as personal, so to be purchased and held, shall be necessary to fulfil the end and intent of the said corporation, and to no other purpose whatsoever.

5 II. *And be it further enacted*, That John Konkel, Joseph Colt, Walter Grieve, Guy Maxwell and Howes Goldsborough, be and they are hereby appointed commissioners, to do and perform the several duties herein after mentioned, that is to say: they shall on or before the first day of July next, procure books and in each of them enter as follows: We whose names are hereunto subscribed, do for ourselves and our legal representatives, promise to pay to the president, directors and company of the Newtown

turnpike road, the ſum of twenty-five dollars for every ſhare of 6
ſtock in ſaid company, ſet oppoſite our reſpective names, in
ſuch manner and proportion, and at ſuch time and place as ſhall
be determined by the ſaid preſident, directors and company: one
of which books ſhall be left with each of the ſaid commiſſioners,
at their reſpective places of abode, who ſhall immediately open
the ſame, and keep open the ſame for the purpoſe of receiving
ſubſcriptions; and every ſubſcriber ſhall at the time of ſubſcrib- 7
ing pay unto either of the ſaid commiſſioners, three dollars for
each ſhare by him ſubſcribed; and the ſaid commiſſioners ſhall 8
as ſoon as four hundred ſhares are ſubſcribed, cauſe an advertiſe-
ment to be inſerted in the newſpapers printed in the counties of
Tioga and Ontario, giving at leaſt ſixty days notice of the time
and place when and where the ſame ſubſcribers ſhall meet, to 9
chooſe thirteen directors, who ſhall be ſtockholders, for the pur-
poſe of managing the concerns of the company for one year;
and the ſaid directors ſhall be choſen by ballot by the ſtockhold- 10
ers then preſent; and the day of chooſing the ſaid directors, 11
ſhall for ever thereafter be the anniverſary day of chooſing ſaid
directors; and ſeven of ſaid directors ſhall be a quorum and 12
capable of tranſacting the buſineſs of the ſaid corporation; and
every act of a majority of the directors ſo met ſhall be binding
on ſaid corporation; and the ſaid directors, elected by a plural- 13
ity of the ſtockholders preſent, ſhall immediately proceed to
elect by ballot one of their number for preſident, and the ſaid
preſident and directors may meet from time to time, at ſuch
place as they may find expedient and direct; and they ſhall 14
have power to make ſuch bye-laws, rules, orders and regulations,
not inconſiſtent with the conſtitution or laws of the United
States or of this ſtate, as they ſhall deem neceſſary for the well
ordering the affairs of ſaid corporation: *Provided*, That at the 15
election of directors, the ſtockholders not preſent may vote by
proxy for directors; and each ſtockholder ſhall be entitled to 16
one vote for every ſhare he ſhall hold under the number of ten
ſhares, and one additional vote for every ten ſhares he ſhall hold
above the number of ten ſhares.

III. *And be it further enacted*, That in caſe of the death, abſence 17
or inability of the preſident, a quorum of the directors met, may
chooſe or appoint a preſident pro tempore, and ſhall and may
proceed and tranſact buſineſs of the ſaid corporation, in like man-
ner as if the preſident were preſent.

IV. *And be it further enacted*, That the ſaid preſident and di- 18
rectors may continue to receive ſubſcriptions to the ſaid ſtock of
ſaid corporation, until there ſhall have been twelve hundred
ſhares ſubſcribed; and ſhall have power to appoint ſuch officers 19
agents, clerks, artiſts, workmen and others under them, as ſhall
be neceſſary for executing the buſineſs of the ſaid corporation.

V. *And be it further enacted*, That the ſaid corporation, by the 20
preſident and directors, or by any agent, ſuperintendent and artiſt,
or other perſon or perſons employed in their ſervice, may enter

into and upon any land where they shall deem it proper to construct the said road, and to lay out and survey such tracts or routes, as shall be deemed most practicable for making a good and sufficient road between the places aforesaid; and the said president and directors may contract, and agree with the owners of the said land, for the purchase of so much thereof as shall be necessary for the purpose of making the said road, and for erecting and establishing gates, toll-houses and all other works to the said road belonging, and in case of disagreement between the said parties, with respect to the value of the land so as aforesaid to be laid out, and the damages, if any, to be done to the said land, or if the owner or owners shall be femes covert, insane, under age, or out of the country, then and in either such case it shall and may be lawful for the said president and directors, to apply to one of the judges of the court of common pleas, in and for the county of Tioga, not interested in the said road, who is hereby authorized and required to nominate, and by an instrument in writing signed by him, to appoint three commissioners, being freeholders of the said county, and who shall not be inhabitants of any towns through which the said road shall pass, or interested in the said road; and it shall be the duty of the said president and directors, to give notice to the said commissioners of their appointment, who, or any two of them, shall thereupon name a day for meeting on the land and performing the duties required of them by this act; which day shall not be more than ten, nor less than four days from such notice of their appointment, and the said president and directors shall give at least four days notice to the owner or owners of such land, of the time when and the place where the said commissioners shall meet for the purpose of viewing the land and assessing the damages, except in case the owner or owners shall labour under any of the disabilities aforesaid or be absent, in either of which cases a copy of such notice may be left at the dwelling-house, if any, of the party, or other notorious place on the land through which such road shall pass: *And further*, Each of the said commissioners shall before he proceeds to execute the trust reposed in him by this act, take and subscribe an oath or affirmation, in writing, before one of the justices of the peace of the county of Tioga, that he will without favour or partiality estimate and assess the damages, which may be sustained by the owner or owners of the land or improvements, which the said corporation may deem necessary to take and appropriate for the said road; and the said commissioners shall then proceed to view the premises and having ascertained the damages, shall make an inquisition under their hands and seals, or under the hands and seals of any two of them, describing the land and stating the amount of the damages, if any, which each or any of the owner or owners of any parcel of land, used or to be used for such road, have sustained or will sustain, which inquisition shall be acknowledged by the commissioners signing the same, before one of the judges aforesaid, and then filed, together with the affidavit afore-

ſaid, in the office of the clerk of the county of Tioga, within thirty days after ſuch view ſhall be had and made by the ſaid commiſſioners; and the ſaid clerk ſhall at the expenſe and coſts of the ſaid preſident, directors and company, enter the ſame of record in the book kept by him for recording deeds; and the preſident, di- 22
rectors and company aforeſaid, upon paying the ſaid ſeveral owners of the ſaid land, the ſeveral ſums ſo aſſeſſed and awarded by the ſaid inquiſition, ſhall and may have and hold to them, their ſucceſſors and aſſigns for ever, the lands and tenements therein deſcribed: *Provided*, That nothing in this act contained, ſhall be conſtrued to authorize the ſaid preſident and directors, to enter upon ſuch land and to make ſuch road thereon, until they ſhall have paid or tendered ſuch damages as may be agreed upon or appraiſed, according to the proviſions of this act.

VI. *And be it further enacted*, That the ſaid preſident and di- 23
rectors ſhall pay to the judge who ſhall appoint the ſaid commiſſioners as aforeſaid, one dollar and fifty cents for his ſervices, and to each of the ſaid commiſſioners for every day neceſſarily attending to perform the duties required of them by this act, two dollars and fifty cents.

VII. *And be it further enacted*, That the ſaid preſident, direc- 24
tors and company ſhall cauſe a road to be laid out not leſs than four nor more than ſix rods wide, and which ſhall be twenty-four feet between the ditches on each ſide thereof, twenty feet whereof ſhall be bedded with ſtone, gravel, or ſound wood, well compacted together and of ſufficient depth to ſecure a good and ſolid foundation for the ſame; and the ſaid road ſhall be faced with gravel, ſtone, or other hard ſubſtance in ſuch manner as to ſecure a firm, and, as near as the materials will admit, an even ſurface, riſing towards the middle by a gradual arch, and the ditches on the 25
ſides of the ſaid road ſhall, where it may be practicable, be of a proper width, and ſufficiently level to form a good road for ſleighs.

VIII. *And be it further enacted*, That as ſoon as the preſident, 26
directors and company ſhall have completed the ſaid road, it ſhall be lawful for the ſaid preſident and directors to give notice to the governor of this ſtate, for the time being, who ſhall thereupon forthwith nominate and appoint three commiſſioners to view the ſame and report to him in writing whether ſaid road is completed in a workmanlike manner, according to the true intent and meaning of this act, and if the report ſhall be in the affirmative, then it ſhall be the duty of the governor to whom they report, and he is hereby required, by licence under his hand and the privy ſeal of the ſtate, to permit the ſaid preſident and directors to erect and fix two gates and turnpikes upon and acroſs ſaid road, to collect the duties and tolls hereinafter granted to the ſaid corporation, from all perſons travelling or uſing the ſame.

IX. *And be it further enacted*, That as ſoon as the ſaid road ſhall 27
be completed, and permiſſion ſo as aforeſaid granted to erect gates upon and acroſs the ſame, it ſhall and may be lawful for the ſaid

president and directors to appoint toll-gatherers to collect and receive of and from all and every person or persons using the said road at either of the gates, the tolls and duties hereinafter men-
28 tioned, and no more, that is to say: For every score of sheep or hogs, eight cents; for every score of cattle, horses or mules, twenty cents; for every horse rode, led or driven, six cents; for every chair, sulkey or chaise, with one horse, twelve and an half cents; for every cart drawn by one horse, six cents; for every chariot, coach, coachee or phaeton, twenty-five cents; for every stage, waggon, or other four wheel carriage drawn by two horses, mules or oxen, twelve and an half cents, and three cents for every additional horse, mule or ox; for every cart drawn by two oxen, twelve and an half cents, and three cents for every additional ox; for every sleigh or sled, nine cents, if drawn by two horses or oxen, and in like proportion if drawn by a greater or less number of horses or oxen: And it shall and may be lawful for any toll-gatherers to stop and detain any person riding, leading or driving any horse, cattle, sheep or hogs, sulkey, chair, phaeton, chaise, cart, waggon, sleigh or other carriage of burthen or pleasure, from passing through the turnpike gates until they shall respectively have paid the toll as above specified: *Provided*, That no-
29 thing in this act shall be construed to entitle the said corporation to demand toll of or from any person passing to or from public worship, his farm, a funeral, or to or from a grist-mill, for the grinding of his grain for his family's use, or to or from a blacksmith's shop to which he usually resorts, or from any person residing between the said gates and within five miles of the said road, or from any of the family of such persons who shall be going to the said village of Newtown on his or their own domestic business, or with the produce of his farm, and returning therefrom to his or their place of residence.

30 X. *And be it further enacted*, That the president and directors shall cause to be affixed at or over each gate or turnpike a printed list of the rates of toll which may be lawfully demanded.

31 XI. *And be it further enacted*, That if any person or persons shall break or throw down, or shall dig up or spoil any part of said road, or any thing thereunto belonging, or shall pass forcibly either of said gates, without having previously paid the legal toll, such person or persons shall for every such offence or injury, forfeit and pay a fine of twenty-five dollars, to be recovered by the treasurer of said corporation, to their use, in an action of debt, with costs
32 of suit, in any court having cognizance of the same; and if any person or persons shall, with his team or teams, carriage or horse, turn out of the said road to pass either of the said gates on ground adjacent thereto, and again enter on said road, having passed the said gate or gates to avoid the payment of the toll due by this act, such person or persons shall forfeit and pay a fine not exceeding five dollars, to be recovered in like manner by the treasurer of the corporation, to their use, with costs of suit.

33 XII. *And be it further enacted*, That if any toll-gatherer shall

unreaſonably delay or hinder any traveller or paſſenger, at either of the ſaid gates, or ſhall demand and receive more toll than is by this act eſtabliſhed, he, for every ſuch offence, ſhall forfeit and pay twenty-five dollars, to be recovered for the uſe of the perſon ſo unreaſonably hindered or detained.

XIII. *And be it further enacted*, That the ſhares of the ſaid turn- 34
pike road ſhall be deemed and conſidered to be perſonal eſtate, and be transferable in ſuch manner as the ſaid preſident and directors may direct.

XIV. *And be it further enacted*, That the preſident and directors 35
of the ſaid corporation ſhall keep a fair and juſt account of all monies received by the ſeveral collectors of toll on ſaid road, and ſhall make and declare a dividend of the clear profits and income, all contingent coſts and charges being firſt deducted, among the ſtockholders of the ſaid corporation, on the firſt Tueſday of January and July in every year, and ſhall publiſh the half yearly dividends among the ſtockholders, and the time and place when and where the ſame will be paid, and ſhall cauſe the ſame to be paid accordingly.

XV. *And be it further enacted*, That the ſaid preſident and di- 36
rectors ſhall, within ſix months after the ſaid road ſhall be completed, lodge in the comptroller's office of this ſtate an account of the expenſes thereof; and the corporation ſhall annually exhibit to 37
the comptroller a true account of the dividends ariſing from ſaid toll, with the annual diſburſements.

XVI. *And be it further enacted*, That it ſhall and may be lawful 38
for the preſident and directors to call and demand from the ſtockholders reſpectively, all ſuch ſums of money by them ſubſcribed or to be ſubſcribed at ſuch times and in ſuch proportions as they ſhall ſee fit, under pain of forfeiture of their ſhares, and all the previous payments thereon, to the ſaid preſident, directors and company.

XVII. *And be it further enacted*, That after the amount of the 39
twelve hundred ſhares mentioned in and by the fourth ſection of this act, ſhall have been appropriated by the ſaid preſident and directors, for the purpoſe of making a good and ſufficient road between the places aforeſaid; and the ſum ſo appropriated ſhall be found inſufficient to effect the purpoſes aforeſaid, it ſhall and may be lawful for the preſident and directors, in order to complete the ſaid road, to increaſe or raiſe the funds of the ſaid corporation, by adding a ſum not exceeding five dollars to every ſhare in the whole ſtock; which ſum ſo to be added, ſhall be in an equal ratio upon each and every ſhare, to be collected and paid in manner aforeſaid, ſubject on default of payment to the pains and forfeitures aforeſaid.

XVIII. *And be it further enacted*, That the legiſlature may diſ- 40
ſolve the ſaid corporation when the income ariſing from the ſaid toll ſhall have fully paid and compenſated the ſaid corporation for all monies they may have expended in purchaſing, making, repairing and taking care of the ſaid road, together with an intereſt

thereon of fourteen per cent per annum, and thereupon the right, intereſt and property of ſaid corporation in the road aforeſaid ſhall be veſted in the people of this ſtate, and be and remain at their diſpoſal: *Provided*, That if the ſaid corporation ſhall not commence their operations within two years after the paſſing of this act, and ſhall not within eight years afterwards complete the ſame, according to the intent and meaning thereof, then, and in either caſe, this act ſhall ceaſe, and be void and of no effect.

41 XIX. *And be it further enacted*, That three diſintereſted freeholders ſhall be appointed by the governor and council of appointment, whoſe duty it ſhall be to examine the ſaid road from time
42 to time, and whenever they ſhall find the ſame out of repair, to order the toll-gate on ſuch part of ſaid road to be kept open, until it ſhall, in their opinion, be well and ſufficiently amended and repaired; and that the ſaid commiſſioners ſhall have and receive as a compenſation for their ſervices reſpectively, the ſum of three dollars for each day they ſhall be neceſſarily engaged in viewing and inſpecting ſaid road: *Provided*, Such viewing and inſpection do not exceed two days in any month of the year: which ſaid compenſation ſhall be paid to ſuch commiſſioners by the ſaid preſident, directors and company.

CANANDAIGUA AND BATH TURNPIKE.

CHAP. LXXVII.

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An ACT *to establish a Turnpike Corporation to make and improve a Road from Canandaigua, in the County of Ontario, to Bath, in the County of Steuben.*

Passed April 2d, 1803.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That John Swift, Abner Barlow and Moses Atwater, of the county of Ontario, and William Kersey and Henry A. Townsend, of the county of Steuben, and all such other persons as shall associate for the purpose of making a good and sufficient road from the court-house in the town of Bath, in the county of Steuben, on the most direct and eligible route to intersect the Genesee turnpike in the town of Canandaigua, their successors and assigns, shall be and are hereby created a body corporate and politic in fact and in name, by the name of The President, Directors and Company of the Canandaigua and Bath Turnpike Road, and by that name shall be capable in law to purchase, have, hold, enjoy and retain, to them and their respective successors, lands, tenements, hereditaments, goods, chattels and effects of every kind whatsoever, and the same or any part thereof to sell, grant, demise, alien or dispose of, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts of record, or in any other place whatsoever: *Provided*, That such estate so to be purchased and held shall be necessary to fulfil the end and intent of the corporation hereby created, and to no other use, intent or purpose whatsoever, and that the same shall not exceed in value the sum of five thousand dollars.

II. *And be it further enacted*, That the said John Swift, Abner

Barlow, Moſes Atwater, William Kerſey, and Henry A. Townſend, be and they are hereby appointed commiſſioners to do and perform the ſeveral duties herein after mentioned, that is to ſay: they ſhall, on or before the firſt day of July next, procure five
6 books, and in each of them enter as follows: "We whoſe names are hereunto ſubſcribed, do for ourſelves and our legal repreſentatives, promiſe to pay to the preſident, directors and company of
7 the Canandaigua and Bath turnpike road, the ſum of twenty-five dollars, for every ſhare of ſtock in the ſaid company ſet oppoſite to our reſpective names, in ſuch manner and proportion and at ſuch time and place as ſhall be determined by the ſaid preſident,
8 directors and company;" one of which books ſhall be left with each of the ſaid commiſſioners, at their reſpective places of abode, who ſhall keep the ſame open for the purpoſe of receiving ſub-
9 ſcriptions: And every ſubſcriber ſhall at the time of ſubſcribing pay unto either of the ſaid commiſſioners the ſum of three dollars
10 for each ſhare ſo ſubſcribed; and the ſaid commiſſioners, as ſoon as five hundred ſhares ſhall have been ſubſcribed for, ſhall cauſe an advertiſement to be publiſhed in two of the public newſpapers printed neareſt to the route of ſaid road, giving at leaſt ſixty days notice of the time and place when and where the ſaid ſubſcribers
11 ſhall meet for the purpoſe of choofing nine directors to manage the concerns of ſaid company for one year, and which ſaid directors ſhall be ſtockholders and ſhall be choſen by ballot by the ſtockhol-
12 ders of the ſaid company; and the day of choofing the ſaid directors ſhall thereafter be the anniverſary day for choofing direc-
13 tors; and any five of ſaid directors ſhall be a quorum, and capable of tranſacting the buſineſs of ſaid company, and every act of a majority of the ſaid directors ſo met ſhall be binding on the ſaid
14 corporation; and the ſaid directors elected by a plurality of votes of the ſtockholders preſent, ſhall immediately proceed to the
15 choice and elect by ballot one of their number for preſident; and the ſaid preſident and directors may meet from time to time and at ſuch place as they may find expedient and direct, and ſhall have power to make ſuch bye-laws rules, orders and regulations, not inconſiſtent with the conſtitution or laws of this ſtate or of the United States, as ſhall be neceſſary for the well ordering the af-
16 fairs of the ſaid corporation, with a power of declaring all previous payments made on the reſpective ſhares by ſtockholders whoſe full ſum or any part thereof is not paid at the time and place ſpecified
17 by the ſaid directors to be forfeited; *Provided*, That at every ſuch election for directors, the ſtockholders not preſent may vote by
18 proxy for directors, and each ſtockholder ſhall be entitled to one vote for every ſhare by him held to the number of ten, and for every five *votes* over and above the ſaid number, to one vote and no more.

19 III. *And be it further enacted*, That in caſe of the death, abſence or inability of the preſident, a quorum of the directors met may chooſe or appoint a preſident *pro tempore*, and ſhall and may proceed and tranſact the buſineſs of the ſaid corporation.

IV. *And be it further enacted*, That the said president and directors, may continue to receive subscriptions to the stock of the said corporation, until there shall be two thousand shares subscribed; and shall have power to appoint such agents, clerks, workmen and others under them, as shall be necessary for executing the business of the said corporation.

V. *And be it further enacted*, That the said president, directors and company, shall cause the said road to be laid out at least four rods wide, where the same is practicable, twenty-two feet of which shall be bedded with sound wood, stone, gravel or other hard substance compacted together, a sufficient depth to secure a solid foundation to the same; and the said road shall be faced with gravel or other hard substance, in such manner as to secure, as near as the materials will admit, an even surface, rising towards the middle by a gradual arch; and the ditches on each side of the said road, shall when it may be practicable, be so constructed as to admit the convenient passage of sleds along the same; and they shall during the continuance of this act, maintain and keep the same in good order and repair.

VI. *And be it further enacted*, That the said corporation, by the president and directors, or by any agent, superintendent, artist or other person employed in their service, may enter into any land where they shall deem it proper to construct the said road, and to lay out and survey such routes or tracks as they shall judge most proper and practicable, for effecting a good and sufficient road between the places aforesaid: And the said president and directors may contract with the owners of the said land, for the purchase of so much thereof as shall be necessary for the purpose of making the said road, and for erecting and establishing gates, toll-houses, and other works to the said road belonging; and with their carriages, beasts, tools and implements to enter in and upon any land, contiguous to the said road, and to carry away any timber, stone, gravel, sand or other earth, being most conveniently situated for making or repairing said road, and to use the same for carrying on the said work; the said president and directors paying to the said owner or owners of the said land, through which the said road so to be laid out shall run, such reasonable compensation for the same, or for materials as aforesaid, or other damages which such owner or owners may sustain in consequence thereof, as may be agreed on between the said president and directiors and the said owner or owners; and in case of disagreement between the parties, as to the value of the said land or materials, or the amount of such damages, the same shall be determined by an appraisement to be made on oath, of three disinterested freeholders, or of any two of them, and who shall be mutually chosen by the said parties, or if the owner or owners of said land or materials, shall refuse or neglect to join in such choice, they shall be appointed by any judge of the county in which the lands or materials so to be valued or appraised shall be situate, and who

shall not be one of the stockholders of the said corporation, or interested in the said lands or materials.

27 VI. *And be it further enacted*, That as soon as the said president, directors and company shall have completed ten miles of the said road, in the manner in this act specified, then it shall be lawful for the president, directors and company to give notice to the person administering the government of this state, who shall thereupon forthwith nominate and appoint three judicious persons to view the same, and to report to him in writing, whether the said road is so far executed in a workmanlike manner, according to the true intent and meaning of this act; and if the report of the said persons, or any two of them, be in the affirmative, then it shall be lawful for the said person administering the government of this state, and it is hereby made his duty, by licence under his hand and the privy seal of this state, to permit the said president, directors and company to erect one gate and turnpike across said road; and in like manner when any additional ten miles shall be completed as ascertained as aforesaid, then it shall be lawful for the president and directors to erect one other gate or turnpike across said road, and to demand and receive the toll herein after mentioned; and when the whole road shall be completed according to the true intent and meaning of this act, and inspected as aforesaid, it shall and may be lawful for the said president and directors to erect such and so many gates and turnpikes as may be
28 necessary on the said road: *Provided*, That such gates shall not be erected at a less distance than ten miles from each other.

29 VIII. *And be it further enacted*, That as soon as the whole or any part of the said road shall be completed, and permission to erect a gate or gates as aforesaid granted, the president and directors may appoint toll-gatherers to collect and receive of and from all and every person or persons using the said road, and passing through any one of the said gates, the tolls and duties here-
30 in after mentioned, and no more: that is to say, For every score of sheep, eight cents; for every score of hogs, eight cents; for every score of cattle, horses or mules, twenty cents, and so in proportion for any greater or less number of sheep, hogs, cattle, horses or mules; for every sulkey, chair or chaise, with one horse, twelve and an half cents; for every cart drawn by one horse, six cents, for every chariot, coach, coachee or phaeton, twenty-five cents; for every other four wheeled carriage, drawn by two horses, mules or oxen, twelve and an half cents, and for every additional horse, mule or ox, three cents; for every sleigh or sled, nine cents, if drawn by two horses or oxen, and in like proportion if drawn by a greater or less number of horses or oxen; for
31 every horse and rider, or led horse, six cents: *Provided*, That no person passing to or from public worship on Sunday, going to their common labour on their farm, with their cattle or teams, or returning therefrom, carrying fire-wood, going to or returning from mill to which they usually resort for the grinding of their grain, or to or from a blacksmith's shop, shall pay any toll: *Pro-*

vided also, That no person residing within three miles of any gate on said road shall pay toll for passing through such gate for himself, his family, horses, cattle, teams or carriages: And it shall 32
be lawful for any of the toll-gatherers to stop any person or persons driving any carriage or sled, riding or leading horses, driving horses, oxen, mules, sheep or hogs, from passing through any of the gates or turnpikes, till they have respectively paid the tolls above mentioned; and if any person or persons shall forcibly pass 33
any gate or gates, without having paid the legal toll, they shall forfeit the sum of twenty-five dollars for each offence, to be recovered in the name of the company, to their use, by action of debt, in any court having cognizance of the same, with costs; and if any person, with his team, horses or carriages, cattle, sheep 34
or hogs, shall, after travelling the said road, turn off to pass the said gate or gates, on ground adjacent thereto, and again enter on the the said road, with intent of defrauding the said company, by avoiding the payment of the toll due by virtue of this act, such person shall forfeit the sum of twenty-five dollars, to be recovered as aforesaid, with costs.

IX. *And be it further enacted*, That if any toll-gatherer shall 35
unreasonably delay or hinder any person from passing any of the gates, and at any time in the day or night, on tendering the legal toll, or shall demand more than is established by this act, he shall, for every such offence, pay a sum not exceeding twenty-five dollars, to be recovered before any justice in the county where such offence shall be committed, for the sole use of the person so hindered, delayed or defrauded, and in his name, with costs.

X. *And be it further enacted*, That the stock of the said com- 36
pany shall be taken and deemed personal estate, and shall and may be transferable, agreeably to such bye-laws, rules and regulations as may from time to time be made therefor by the directors.

XI. *And be it further enacted*, That the president and directors 37
of the said corporation, shall keep a just and fair account of all monies received by the several collectors of toll on said road, and shall make and declare a dividend of the clear profits and income, (all contingent costs and charges being first deducted) among all the stockholders, and shall give public notice of the times and places when and where the same will be paid, and shall cause the same to be paid accordingly.

XII. *And be it further enacted*, That the said president and di- 38
rectors, shall within six months after said road is completed, lodge in the comptroller's office of this state, an account of the expense thereof: and the corporation shall annually exhibit 39
to the comptroller a true account or dividend of all the income arising from said toll, with the annual disbursements on said road.

XIII. *And be it further enacted*, That the legislature may dis- 40
solve the said corporation, when the income arising from the

said toll shall have fully compensated the said corporation for all monies they may have expended in purchasing, making, repairing and taking care of said road, together with an interest of fourteen per centum per annum; and thereupon the right, interest and property of said road shall be vested in the people of this state, and be and remain at their disposal: *Provided*, That if the said corporation shall not commence their operations on the said road within three years after passing this act, or shall not within ten years afterwards complete the said road, according to the true intent and meaning of this act, then and in either of these cases this act shall cease, be void and of no effect.

GREAT WESTERN TURNPIKE—THIRD COMPANY.

CHAP. LXXXIV.

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An ACT *for establishing a Turnpike Corporation for improving and making a Road from Cherry-Valley, in the County of Otsego, to intersect the Seneca Turnpike Road, in the County of Onondaga, and for other Purposes.*

Passed April 4th, 1803.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That John Lincklaen, James 1
Moore, Asahel Jackson, Samuel Clemons, Ebenezer Hale, Oliver Norton, Joseph Farewell, Daniel Rindge, John Pray, Rufus Leonard, Jacob Brewster, Lemuel Fitch, Nathaniel Farnham, Samuel Craft, Abner Cook, Luther Rich, Elijah Holt, Calvin Rich, Eleazer Tillotson, Calvin Cheeseman and Charles R. Webster, and all such others as shall associate for the purpose of making a good and sufficient road, running from the great western turnpike road 2
in Cherry-Valley westerly between Young's and Weaver's lakes, in Warren, in the county of Herkimer; thence westerly through the towns of Otsego, Richfield and Plainfield in the county of Otsego, and the towns of Bridgewater, Sangerfield, Hamilton, to the village of Cazenovia; thence to intersect the Seneca turnpike road near Cob's tavern, in the town of Manlius, or through the towns of Pompey and Marcellus to intersect the said Seneca turnpike, at or near the outlet of the Skeneatelas lake, or at such other place as the nature of the ground will admit of, their successors and assigns, be and they are hereby created and made a body corporate and politic, by the name of the "President, 3

Directors and Company of the Third Great Western Turnpike Road Company," and they are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name, and by that name, they and their successors shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, and they and their successors, by the same name and style, shall be in law capable of purchasing, holding and conveying any estate real and personal, for the use
4 of said corporation: *Provided*, That such estate as well real as personal, so to be purchased and held, shall be necessary to fulfil the end and intent of the said corporation, and to no other purpose whatsoever.

5 II. *And be it further enacted*, That John Lincklaen, Aaron Morse, Charles D. Cooper, Abner Cook, Robert Wilson, Dorastus Hatch and Calvin Cheeseman, be, and they are hereby appointed to do and perform the several duties herein after mentioned, that is to say: They shall on or before the first day of July next, pro-
6 cure seven books, and in each of them enter as follows: We whose names are hereunto subscribed, do for ourselves and our legal representatives, promise to pay to the president, directors
7 and company of the third great western turnpike company, the sum of twenty-five dollars for every share of stock set opposite to
8 our respective names, in such manner and proportion, and at such time and place as shall be determined by said president, directors and company; one of each books shall be left with each of the said commissioners at their respective places of abode, who shall immediately open the same, and keep the same
9 open for the purpose of receiving subscriptions, and every subscriber shall at the time of subscribing, pay unto either of the said commissioners three dollars for each share so subscribed
10 by him, and the said commissioners shall as soon as one thousand shares are subscribed cause an advertisement to be inserted in the public newspapers printed in Cooperstown and in Utica, and one of the newspapers printed in Albany, giving at least
11 twenty days notice of the time and place, when and where the same subscribers shall meet to choose thirteen directors, who shall be stockholders, for the purpose of managing the concerns
12 of the company for one year, and the said directors shall be chosen
13 by ballot by the stockholders then present, and the day of choosing said directors, shall for ever thereafter be the anniversary day
14 for choosing said directors; and any seven of the directors shall be a quorum and capable of transacting the business of the said corporation, and every act of a majority of the directors so met,
15 shall be binding on the said corporation; and the said directors, elected by a plurality of the stockholders present, shall immediately proceed to elect by ballot one of their number for president, and the said president and directors may meet from time to time,

at ſuch places as they may find expedient and direct; and they 16
ſhall have power to make ſuch bye-laws, rules, orders and regu-
lations, not inconſiſtent with the conſtitution and laws of this ſtate
or of the United States, as they ſhall deem neceſſary for the well
ordering the affairs of the ſaid corporation: *Provided*, That at the 17
election of directors the ſtockholders not preſent may vote by
proxy for directors, and each ſtockholder ſhall be entitled to one 18
vote for every ſhare under the number of ten ſhares, and one ad-
ditional vote for every ten ſhares he ſhall hold above the number
of ten ſhares.

III. *And be it further enacted*, That in caſe of the death, ab- 19
ſence or inability of the preſident, a quorum of the directors met
may chooſe or appoint a preſident *pro tempore*, and ſhall and may
proceed and tranſact the buſineſs of the ſaid corporation, in like
manner as if the preſident were preſent with them.

IV. *And be it further enacted*, That the preſident and directors 20
may continue to receive ſubſcriptions to the ſtock of the ſaid corpo-
ration until there ſhall have been three thouſand ſhares ſubſcribed, 21
and ſhall have power to appoint ſuch officers, agents, clerks, ar-
tiſts, workmen and others under them, as ſhall be neceſſary for
executing the buſineſs of ſaid corporation.

V. *And be it further enacted*, That three commiſſioners not 22
intereſted in the ſaid turnpike ſo to be laid out, ſhall be nominat-
ed and appointed by the perſon adminiſtering the government of
this ſtate for the time being, and whoſe duty it ſhall be to lay out
ſuch road according to the beſt of their judgment and under-
ſtanding, without favour or partiality, in ſuch manner that the ob-
ject of the corporation and the general intereſt of the public ſhall
be in the beſt manner effected, and whoſe duty it ſhall be alſo to 23
depoſit and cauſe to be recorded in the office of the clerk of each
of the counties through which ſuch road ſhall paſs an accurate
map of the ſurvey of the ſame, deſignating the ſeveral particular
points through which it ſhall paſs; which commiſſioners for their 24
ſervices as aforeſaid ſhall be allowed at the rate of three dollars
per day, to be paid, together with the expenſe of ſurveying and
recording ſaid map, by the corporation, and may enter into and
upon any land where they ſhall deem it proper to conſtruct the
ſaid road, and to lay out and ſurvey ſuch tracks or routes as ſhall
be thought moſt practicable for making a good and ſufficient road
between the places aforeſaid.

VI. *And be it further enacted*, That before either of the ſaid 25
commiſſioners ſhall enter on the duties of their office they ſhall
take and ſubſcribe an oath or affirmation, well and truly to perform
the duties by this act enjoined, before a juſtice of the peace or
other proper authority.

VII. *And be it further enacted*, That it ſhall and may be law- 26
ful for the ſaid preſident and directors, after the track of the ſaid
road ſhall have been deſignated as aforeſaid, to enter upon and
take poſſeſſion of ſuch quantity of improved or unimproved land
within the track of ſaid road as ſhall be neceſſary for making the

27 ſaid road, the ſaid preſident, directors and company paying to the owners of the land ſuch value and damages as ſhall be agreed upon, or in caſe of diſagreement, as ſhall be aſſeſſed by two juſtices of the peace, and by the oaths of ſix reſpectable and diſintereſted freeholders, who ſhall be ſummoned by a conſtable of the county in which ſuch land may be by virtue of a warrant to be iſſued by
28 the ſaid juſtices for that purpoſe, the right and title to which ſaid lands ſo entered upon and paid for as aforeſaid ſhall thereafter be veſted in the ſaid preſident, directors and company.

29 VIII. *And be it further enacted*, That the ſaid preſident, directors and company ſhall cauſe a road to be laid out not leſs than ſix rods wide, and which ſhall be thirty-three feet between the ditches, whereof twenty-eight feet ſhall be bedded with wood, ſtone, gravel, or ſome other hard ſubſtance, well compacted together, a ſufficient depth to ſecure a good and ſolid foundation to the ſame; and the ſaid road ſhall be faced with gravel or ſtone pounded, or other hard ſubſtance, in ſuch manner as to ſecure as near as the ſubſtance will admit of an even and firm ſurface, riſing towards the middle by a gradual arch; and they ſhall, during the continuance of this act, maintain and keep the ſaid road
30 in good repair, and where it may be practicable, the ditches ſhall by ſo conſtructed as to admit ſleighs to go in them with ſafety.

31 IX. *And be it further enacted*, That as ſoon as the preſident, directors and company ſhall have completed ten miles of the ſaid road, it ſhall be lawful for the ſaid preſident and directors to give notice to the governor of this ſtate for the time being, who ſhall thereupon forthwith nominate and appoint three commiſſioners to view the ſame, and report to him in writing whether ſuch part of ſaid road is completed in a workmanlike manner, according to the true intent and meaning of this act; and if the report ſhall be in the affirmative, then it ſhall be the duty of the governor to whom they report, and he is hereby required, by licence under his hand and the privy ſeal of this ſtate, to permit the ſaid preſident and directors to erect and fix one gate and turnpike upon and acroſs ſaid road, and to collect the duties and tolls herein after granted to the ſaid corporation, from all perſons travelling on or uſing the ſame.

32 X. *And be it further enacted*, That as ſoon as the ſaid road ſhall be completed, and permiſſion ſo as aforeſaid granted to erect a gate or gates upon and acroſs the ſame, it ſhall and may be lawful for the ſaid preſident and directors to appoint toll-gatherers to collect and receive of and from all and every perſon or perſons uſing the ſaid road at either of the ſaid gates, the tolls and duties
33 herein after mentioned, and no more, that is to ſay: For every ſcore of ſheep or hogs, five cents; for every ſcore of cattle, horſes or mules, twelve and an half cents; for every horſe and rider, led or driven horſe, four cents; for every ſulkey, chair or chaiſe, with one horſe, twelve and an half cents; for ever cart drawn by one horſe, four cents; for every chariot, coach, coachee or phaeton, twenty-five cents; for every ſtage waggon or other four wheel-

ed carriage drawn by two horſes, mules or oxen, twelve and an half cents, and three cents for every additional horſe, mule or ox; for every cart drawn by two horſes, mules or oxen, ſix cents, for every additional horſe, mule or ox, two cents; for every ſleigh or ſled drawn by two horſes, oxen or mules, ſix cents, and in like proportion for a greater or leſſer number of horſes, oxen or mules; and it ſhall be lawful for any of the toll-gatherers to ſtop and detain any perſon or perſons, riding, leading or driving any horſe or horſes, cattle, mules, ſheep or hogs, ſulkey, phaeton, chair, chaiſe, cart, waggon, ſleigh or other carriage of burthen or pleaſure from paſſing through the turnpike gate or gates until they ſhall reſpectively have paid the toll as above ſpecified: *Provided*, 34
That nothing in this act ſhall be conſtrued to entitle the ſaid corporation to demand toll of or from any perſon paſſing to or from public worſhip, his farm, a funeral, or to or from any mill or mills, or to or from any blackſmith's ſhop within three miles, to which he uſually reſorts, or for a phyſician: *And provided always*, That 35
not more than one third of the above mentioned toll ſhall be demanded or received for any waggon or other carriage paſſing upon the ſaid road, the felloes or track of the wheel whereof are of the width of nine inches, and that all waggons or other carriages, the felloes or tracks of the wheel whereof are of the width of twelve inches, ſhall be allowed to paſs upon the ſaid road free of any toll, any thing in this act to the contrary notwithſtanding.

XI. *And be it further enacted*, That the ſaid corporation ſhall cauſe 36
mile-ſtones to be erected, one for each mile of ſaid road, and on each ſtone ſhall be fairly and legibly inſcribed or marked the diſtance the ſaid ſtone is from the city of Albany, and ſhall alſo erect guide-poſts at the interſection of all public roads leading into or from the ſaid turnpike, on which ſhall be inſcribed the name of the town in which ſuch poſt ſtands, and alſo the name of the town or towns to which ſuch interſecting road leads in the direction to which the hand on the ſame points, and the ſaid corpora- 37
tion ſhall cauſe to be affixed at or over each gate or turnpike, a printed liſt of the rates of toll which may be lawfully demanded.

XII. *And be it further enacted*, That if any perſon or perſons 38
ſhall break or throw down, deface or injure any of the mile-ſtones or guide-poſts ſo to be erected, or ſhall dig up or ſpoil any part of ſaid road, or any thing thereunto belonging, or ſhall forcibly paſs 39
any or either of ſaid gates, without having previouſly paid the legal toll, ſuch perſon or perſons ſhall for every ſuch offence or injury forfeit and pay a fine of ten dollars, to be recovered by the treaſurer of ſaid corporation, to their uſe, in an action of debt, with coſts of ſuit, in any court having cognizance of the ſame; and if any perſon or perſons ſhall, with his team or teams, car- 40
riage or horſe, turn out of the ſaid road to paſs any or either of the gates on ground adjacent thereto, and again enter on ſaid road, having paſſed the ſaid gate or gates to avoid the payment of the toll due by this act, ſuch perſon or perſons ſhall forfeit and pay a fine not exceeding five dollars, to be recovered in like

manner by the treasurer of the corporation, to their use, with costs of suit.

41 XIII. *And be it further enacted*, That if any toll-gatherer shall unreasonably delay or hinder any traveller or passenger at any of the gates, or shall demand and receive more toll than is by this act established, he shall for every such offence forfeit and pay twenty dollars, to be recovered for the use of the person so unreasonably hindered or detained, with costs of suit.

42 XIV. *And be it further enacted*, That the shares in the said turnpike road shall be deemed and considered to be personal estate, and be transferable in such manner as the said president and directors may direct.

43 XV. *And be it further enacted*, That the president and directors of the said corporation, shall keep a just and fair account of all the monies received or to be received by the several collectors of
44 toll on said road; and shall make and declare a dividend of the clear profits and income (all contingent costs and charges being first deducted) among the stockholders of the said corporation on the first Tuesday of January and July in every year, and shall publish the half yearly dividend of the clear profits to be made among the stockholders and the time and place when and where the same will be paid, and shall cause the same to be paid accordingly.

45 XVI. *And be it further enacted*, That the said president and directors, shall within six months after the said road shall be completed, lodge in the comptroller's office of this state, an account
46 of the expenses thereof; and the corporation shall annually exhibit to the comptroller a true account of the dividend arising from said toll, with the annual disbursements.

47 XVII. *And be it further enacted*, That it shall and may be lawful for the said president and directors to call and demand from the stockholders respectively, all such sums of money by them subscribed, or to be subscribed, at such times and in such proportions as they shall see fit, under pain of forfeiture of their shares, and all the previous payments thereon to the said president, directors and company.

48 XVIII. *And be it further enacted*, That after the amount of the said number of three thousand shares, mentioned in and by the second section of this act, shall have been appropriated by the said president, directors and company, for the purpose of making a good and sufficient road between the places aforesaid, and the sum so appropriated shall be found insufficient to effect the purposes aforesaid, it shall and may be lawful for the said president and directors, in order to complete the said road, to increase or raise the funds of said company, by adding a sum not exceeding two dollars to each and every share in the whole stock; which sum so to be added shall be in equal rates upon each and every share, to be collected and paid in manner aforesaid, subject on default of payment, to the pains and forfeitures aforesaid.

49 XIX. *And be it further enacted*, That the legislature may dissolve the said corporation when the income arising from the toll

shall have fully paid and compensated the said corporation for all 50
monies they may have expended in purchasing, making, repairing
and taking care of the said road, together with an interest there-
on of fourteen per cent per annum, and thereupon the right, in- 51
terest and property of the said corporation in the road aforesaid
shall be vested in the people of this state, and be and remain at
their disposal: *Provided*, That if the said corporation shall not 52
commence their operations within two years after the passing of
this act, and shall not within five years afterwards complete the
same according to the true intent and meaning thereof, then and
in either case this act shall cease, and be void and of no effect.

XX. *And be it further enacted*, That five disinterested free- 53
holders shall be appointed by the governor and council of appoint-
ment whose duty it shall be separately to examine the said road,
from time to time, in their respective districts of the said road,
and whenever they shall find the same out of repair, to order the 54
toll-gate on such part of said road to be kept open until it shall in
their opinion be well and sufficiently amended and repaired; and 55
that the said commissioners shall have and receive as a compensa-
tion for their services respectively, the sum of three dollars for
each day they shall be necessarily engaged in viewing and inspect-
ing said road: *Provided*, Such viewing and inspection do not ex-
ceed two days in any one month of the year: which said com-
pensation shall be paid to such commissioners by the said president,
directors and company.

XXI. *And be it further enacted*, That nothing in this act con- 56
tained, shall authorize the said president, directors and company,
to stop or obstruct any road or roads now used as a public or pri-
vate road through any town or towns, by setting up or erecting
any gate or gates on such part of the said road as shall be made on
any road so used in any town or towns aforesaid, through which
said turnpike road shall be laid.

XXII. *And be it further enacted*, That each stockholder in the 57
company of the Schoharie turnpike road, shall be entitled to one
vote for each share of stock held by him not exceeding fifteen
shares, and to one vote for every three shares beyond that number.

XXIII. *And be it further enacted*, That it shall be lawful for 58
the president, directors and company of the Westchester turnpike
road to receive additional subscriptions to the stock of the said
company, until the whole number of shares, including those al-
ready subscribed, shall amount to five hundred, in order that they
may be enabled to complete the road directed to be improved by
the act, entitled "An Act to establish a Turnpike Corporation for
improving the Road from Eastchester to Byram," and that it 59
shall not be necessary hereafter for the said president and directors
last mentioned, to make and declare dividends oftener than once
in each year, which dividends shall be made on the second Tues-
day in July in each year.

CHENANGO TURNPIKE.

CHAP. LXXXV.

Contents.

19. This Act, and the one to which it is supplementary, declared public acts.
18. Bridge over the Susquehannah, when a gate to be erected thereon, and toll exacted.
17. ------- One to be made and kept in repair over the Chenango, toll free.
18. ------- All the bridges to be so built as not to obstruct the passage of boats, &c.
1. Chenango Turnpike Corporation, authorized to open and improve another road.
10. ------- Their powers, privileges, and restrictions by this act.
11. Commissioners, for examining the road, and determining when the same is in good repair, how appointed.
4. Ditches, how to be made.
3, 7. Gates, when to be erected, and toll exacted.—5, 8. Where to stand.
12. ------- For what causes to be kept open.
2. Road, where to commence and end.
6, 9, 14, 15, Toll, rates of, regulated.

An ACT *supplementary to an Act, entitled, "An Act to establish a Turnpike Corporation, for opening and improving a certain Road therein described, within the Counties of Oneida and Chenango," passed the 30th day of March,* 1801.

Passed April 4th, 1803.

1 I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the President, Directors
and Company of the Chenango Turnpike Road, may within five
years after the passing of this act, lay out, open and improve, by
the nearest and most direct route, as nearly as circumstances will
2 admit, a good and sufficient road, from the dwelling-house of
Benjamin Wilson, in the town of Oxford, in the county of Che-
nango, to the easterly bank of the Susquehannah river, at Wat-
tles' ferry, in the town of Sidney, in the county of Delaware;
3 and when ten miles thereof shall be completed, in such manner
as is prescribed in and by the act to which this is supplementary,
4 except as to the ditches on each side of said road, which shall be
sufficiently wide, and of a smooth and even surface so as to admit
the passage of sleighs, the person administering the government
of this state may, in the manner prescribed in and by said act,
appoint commissioners to inspect said road; and on their report,
conformable to said act, to permit the said president, directors and
5 company to erect one gate and turnpike at any place not less than
two nor more than four miles from the house of said Benjamin
6 Wilson, and to demand and receive the same rates of toll as are
allowed at any gate and turnpike in and by the said act to which
this act is supplementary.

II. *And be it further enacted*, That when the residue of said 7
road to the westerly bank of said Susquehannah river, shall be completed and inspected in manner aforesaid, the person administering the government of this state may, in like manner, permit the said president, directors and company to erect another gate and turnpike, on or near the bridge to be built across the Una- 8
dilla river, and to demand and receive the same rates of toll be- 9
fore mentioned.

III. *And be it further enacted*, That the said president, direc- 10
tors and company shall have the like powers and privileges and be subject to the same duties, regulations and restrictions relative to said road, gates and turnpikes, as are granted, directed and prescribed in and by said act to which this act is a supplement.

IV. *And be it further enacted*, That three disinterested persons 11
shall be appointed by the person administering the government of this state, by and with the advice and consent of the council of appointment, whose duty it shall be from time to time to examine said road by this act directed to be laid out, opened and improved; and whenever they or a majority of them shall find the 12
same or any part thereof out of repair, to order the toll-gate on such part of said road to be kept open until it shall in their opinion be well and sufficiently amended and repaired.

V. *And be it further enacted*, That the said president, directors 13
and company may within the term of five years aforesaid, they having first built a good, sufficient and substantial bridge across the said Susquehannah river at Wattles' ferry aforesaid, apply to the commissioners last to be appointed in and by this act to inspect said bridge, and on their reporting that the same is built and completed in a workmanlike manner, and is a good and sufficient bridge, suitable for the safe and commodious passage of travellers and carriages, the person administering the government of this state may permit the said president, directors and company to erect a gate at or near said bridge, and to demand 14
and receive the same rates of toll as are authorized at any of the gates aforesaid, with all the powers and privileges and subject to all the duties, regulations and restrictions that appertain to said road, and to any of the gates and turnpikes aforesaid.

VI. *And be it further enacted*, That the said president, direc- 15
tors and company, may demand and receive of and from every foot passenger or traveller on foot, the sum of two cents for crossing the said bridge, across the said Susquehannah river, and the same for crossing the said bridge across the Unadilla river, and shall have the same powers of collection as are allowed and directed in other cases in and by this act.

VII. *And be it further enacted*, That the said president, direc- 16
tors and company, may immediately after the passing of this act, or before the expiration of five years as aforesaid, receive subscriptions for a sufficient number of shares to make said bridges

and road, not exceeding the number of two thousand shares at twenty dollars each.

17 VIII. *And be it further enacted*, That the said president, directors and company aforesaid, shall at all times maintain and support a good and sufficient bridge over the Chenango river, near the house of the said Benjamin Wilson, in Oxford, free of all expense to the public.

18 IX. *And be it further enacted*, That none of the bridges to be erected as aforesaid, shall be so built as in any way to injure or obstruct the passage of boats, arks or rafts.

19 X. *And be it further enacted*, That this act and the act to which this act is supplementary, shall be and the same are hereby declared to be public acts.

Public Roads.

CHAP. LIX.

Contents.

28. Bridge, 1500 dollars appropriated for building one over the west branch of the North river.
10, 12, 14, 25. } Four sets of, for laying out and improving certain
Commissioners, } roads, how appointed.---11, 13, 15, 26. Their duty.
19. ------ To draw monies from the treasury on comptroller's warrant.
20, 26.--- To account with the comptroller.---21, 26. To give bonds.
23. ------ Vacancies among, how filled.---24. Two a quorum.
27. ------ Treasurer to pay one set of, 10,000 dollars---if advanced by individuals, to be reimbursed.
28. ------- For building a bridge, named.---29. To give security and account as the other commissioners.
30. ------- Their compensation.
22. Bonds of, to be filed with the comptroller.
16. Damages sustained by laying the road through improved lands on one of the routes, how assessed.
5. Expenses, account of, to be audited by the comptroller.
18. Loans for making road, to be refunded out of the avails of the lottery.
1. Lottery, 41,000 dollars to be raised by.
9. ------- To be drawn without delay after the sale of the tickets.
6. Managers of lottery, may adopt such schemes as they may think proper.
2. ------- Named for drawing and superintending lottery.
3. ------- To give bonds for the faithful discharge of duties.
4. ------- To deposit monies in the New-York bank.
5. ------- To pay the whole avails of the lottery when drawn, into the Treasury.
28. ------- To pay 1,500 dollars to Michael Overacker and others, commissioners, to build a bridge over the west branch of the North river.
17. Roads, money raised, to be divided between, in proportion to their length.---11, 13, 15, 26. Different routes thereof.
7. Tickets, managers may sell in any part of the state.
8. ------- May not be sold till after 1st May, 1806.

An ACT *for opening and improving certain Great Roads in this State.*

Passed March 26th, 1803.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That for the purpose of opening and improving the roads herein after mentioned, the managers herein after named, shall cause to be raised by lottery, forty-one thousand five hundred dollars.

II. *And be it further enacted*, That Philip Ten Eyck, Thomas Storm, William Henderson, Mathias B. Tallmadge and Jacobus Van Schoonhoven, or the survivors or survivor of them, be and they are hereby appointed managers for drawing, managing and superintending the said lottery, which shall be drawn in the city of New-York.

III. *And be it further enacted*, That each of the managers of the said lottery, shall before they enter upon the execution of the duties of their office, enter into a bond to the people of this state, with such sureties as the comptroller shall approve of, in the sum of ten thousand dollars, conditioned for the faithful and honest discharge of the duties required of them by this act, and for rendering a just account of all their proceedings at the next session of the legislature after the drawing of the said lottery.

IV. *And be it further enacted*, That the managers aforesaid, shall from time to time, and as often as they shall receive the sum of three thousand dollars for the sale of tickets, deposit the same in the bank of New-York for safe keeping; and that as soon as the lottery shall be drawn, the managers after deducting therefrom their reasonable expenses for drawing and conducting the same, to be audited and allowed by the comptroller, shall pay the avails into the treasury of this state.

V. *And be it further enacted*, That the managers aforesaid, or a majority of them, shall have full power to adopt such schemes, or to manage the said lottery in such manner as to them may be thought proper; and may sell or cause to be sold the tickets in any part of this state; but the said managers shall not proceed to sell the tickets of the said lottery, until after the first day of May, in the year one thousand eight hundred and six; and that the lottery shall be drawn without delay after the sale of the tickets.

VI. *And be it further enacted*, That it shall be lawful for the person administering the government of this state, by and with the advice and consent of the council of appointment, to appoint three or more commissioners to open and improve the road, as laid out by Peter Colt and Nathan Sage, from Rome to Brownville, on the Black river; and that the said commissioners, so appointed, shall extend the said road from Brownville to the St. Lawrence river, so as to have the best ground for a road, and the most convenient ferry across the said water to Kingstown, in the province of Upper Canada.

VII. *And be it further enacted*, That it shall be lawful for the

perſon adminiſtering the government of this ſtate, by and with
13 the advice and conſent of the council of appointment, to appoint three or more commiſſioners to lay out and improve a road, from within two miles of Preſton's tavern, in the town of Steuben; thence to within three miles of the high falls of Black river; thence through the towns of Turin, Lowville, Champion, Rutland, Watertown and Brownville, ſo as to interſect the aforeſaid road, between the Black river and the ſouth bounds of great number four of McComb's purchaſe.

14 VIII. *And be it further enacted*, That it ſhall be lawful for the perſon adminiſtering the government of this ſtate, by and with the advice and conſent of the council of appointment, to appoint one
15 or more, not exceeding three commiſſioners, to lay out a road from within two miles of Preſton's tavern, in the town of Steuben as aforeſaid, to Johnſtown, or as near Johnſtown as the nature of the ground and the general intereſt of the Black river country require; and that when this part of the road ſhall have been ſo laid out, the commiſſioners for laying out, opening and improving the road through the Black river country generally, ſhall open and improve it.

16 IX. *And be it further enacted*, That if any part of the ſaid road to the Mohawk river, as aforeſaid, ſhall be laid through incloſed or improved lands, the owner thereof ſhall be paid ſuch damages as may be ſuſtained by reaſon thereof, which damages ſhall be determined and aſſeſſed in the manner preſcribed in like caſes in and by the fifteenth ſection of an act, entitled "An Act to regulate highways," paſſed the eighth of April, one thouſand eight hundred and one.

17 X. *And be it further enacted*, That the money ordered to be raiſed by this act ſhall be equally divided between the roads aforeſaid, in proportion to their length: But if any perſon or perſons think proper to advance money towards making any part of the ſaid roads, it ſhall be optional with him or them on which of the roads it ſhall be expended.

18 XI. *And be it further enacted*, That it ſhall be lawful for any perſon or perſons to pay into the treaſury of this ſtate any ſum or ſums of money he may chooſe to advance for opening either of the ſaid roads, which money ſo advanced ſhall be repaid him or them by the treaſurer, on the warrant of the comptroller, with the intereſt, out of the avails of the ſaid lottery, paid into the treaſury as aforeſaid.

19 XII. *And be it further enacted*, That it ſhall and may be lawful for the ſaid commiſſioners from time to time to receive from the treaſury, by warrant from the comptroller, any ſum or ſums of money which may be ſo advanced on loan as aforeſaid, for opening and improving either of the ſaid roads, and to receive from the treaſurer, on the warrant of the comptroller, the avails of the ſaid lottery, deducting the monies, with the intereſt, which may have been paid into the treaſury on loan for opening either of the ſaid roads as aforeſaid.

XIII. *And be it further enacted*, That it ſhall be the duty of the 20
ſaid commiſſioners to account with the comptroller for the expenditures in opening and improving the ſaid roads.

XIV. *And be it further enacted*, That each of the ſaid commiſ- 21
ſioners, before he enters on the execution of his truſt, ſhall enter into a bond to the people of this ſtate, with ſuch ſureties as the comptroller of this ſtate, for the time being, ſhall approve of, in a ſum equal to the whole ſum appropriated to the road or roads, to be by him and his colleagues opened and improved, conditioned for the faithful application of the monies to be raiſed as aforeſaid, and which ſhall be entruſted to him or them according to the directions of this act; which bond, when executed, ſhall be depoſit- 22
ed in the office of the comptroller of this ſtate, and in caſe the ſaid bonds or any of them ſhall become forfeited, the monies to be recovered thereon ſhall be applied to the uſe of the road, the improvement whereof the defaulting commiſſioner or commiſſioners ſuperintended.

XV. *And be it further enacted*, That in caſe of the death, refuſ- 23
al to act, or reſignation of any perſon or perſons who are appointed by this act to be a commiſſioner or commiſſioners, it ſhall and may be lawful for the perſon adminiſtering the government of this ſtate, to ſupply every ſuch vacancy, by the appointment of ſuch perſon to fill the ſame, as he in his diſcretion ſhall deem meet and proper.

XVI. *And be it further enacted*, That two commiſſioners on each, 24
road, ſhall be deemed a quorum, who may tranſact all buſineſs incident to the truſt repoſed in them by this act.

XVII. *And be it further enacted*, That it ſhall be lawful for the 25
perſon adminiſtering the government of this ſtate, by and with the advice and conſent of the council of appointment, to appoint three or more commiſſioners to lay out and improve a road 26
through the northern towns in the county of Waſhington, into and through the counties of Eſſex and Clinton, until it interſects the line of forty-five degrees of north latitude, in the town of Champlain; and that the commiſſioners ſo to be appointed ſhall give the like ſecurity, and be accountable for the expenditure of the monies aforeſaid, in the ſame manner as the other road commiſſioners named in this act.

XVIII. *And be it further enacted*, That the treaſurer of this 27
ſtate, on the warrant of the comptroller, ſhall pay out of the avails of ſaid lottery, to the commiſſioners to be appoint for improving the road laſt mentioned, the ſum of ten thouſand dollars; but if any perſon or perſons ſhall advance to the ſaid commiſſioners any ſum or ſums of money for opening and improving the ſaid road, then, and in that caſe, the perſon or perſons making ſuch advance, on producing to the treaſurer a certificate of the ſum paid, under the hands of the commiſſioners, ſhall be entitled to receive from the treaſurer the amount thereof, out of the avails of ſaid lottery; and the ſum ſo received ſhall be conſidered as part of the ſaid ten

thouſand dollars directed to be paid to the ſaid commiſſioners by this act.

28 XIX. *And be it further enacted*, That the treaſurer of this ſtate ſhall, on the warrant of the comptroller, pay out of the avails of ſaid lottery to Michael Overacker, Alexander St. John, and Abraham Van Arnum, of Northampton, in the county of Montgomery, the ſum of fifteen hundred dollars, for building a bridge over the weſt branch of the North river, at or near the place where Tiffany Nittleton now lives; and the ſaid Michael Overacker, Alexander St. John and Abraham Van Arnum, are hereby appointed
29 commiſſioners for that purpoſe, and ſhall give ſecurity in like manner as is directed to be given by the ſaid road commiſſioners.

30 XX. *And be it further enacted*, That each of the commiſſioners to be appointed as aforeſaid, ſhall be entitled to retain, out of the monies which may come to his or their hands, the ſum of two dollars and fifty cents for every day employed in preforming the duties preſcribed by this act, according to ſuch account as they ſhall produce to be audited by the comptroller.

CHAP. LXXXII.

Contents.

1. Commissioners to lay out and open a road from Albany to Fort's ferry, how appointed.
2. ------- To lay out and open a road from Fort's ferry to Ballstown Springs, how appointed.
3. ------- Not to proceed on their duties until 3000 dollars shall be subscribed for opening road.
8. ------- To account with the comptroller.
9. ------- To give bond to the people of this state.
4. Damages sustained by the road going thro improved lands, to be paid.
5. ------- How ascertained.
6. Road, when completed, description of the route to be entered in the town clerk's offices.
7. ------- How kept in repair.

An ACT *to straighten the Public Highway leading from the City of Albany to the Ballstown Springs.*

Paſſed April 4th, 1803.

I. BE *it enacted by the People of the State of New-York, represent-*
1 *ed in Senate and Assembly*, That it ſhall be lawful for the perſon adminiſtering the government of this ſtate, by and with the advice and conſent of the council of appointment, to appoint three commiſſioners whoſe duty it ſhall be to lay out and open a public highway, in the moſt direct and convenient route from the city of
2 Albany to Fort's ferry, at Neſtiguna, on the Mohawk river: And alſo to appoint three commiſſioners, whoſe duty it ſhall be to lay out and open a public highway from Fort's ferry aforeſaid, in the moſt direct and convenient route to Ballſtown ſprings, in the county of Saratoga.

II. *And be it further enacted*, That when and as ſoon as the 3
perſons intereſted in the ſaid roads, ſhall by voluntary ſubſcriptions, ſubſcribe the ſum of three thouſand dollars, towards defraying the expenſe of laying out, opening and working the ſaid roads, then it ſhall be lawful for the commiſſioners to be appointed in purſuance of this act, to proceed on the duties hereby enjoined on them, and not before.

III. *And be it further enacted*, That when the ſaid highway 4
ſhall be laid out on any improved or encloſed lands, the ſaid commiſſioners ſhall pay to the owner or occupant of ſuch lands,
his her or their juſt damages occaſioned thereby; and in caſe of 5
diſagreement as to the amount of ſuch damages, the ſame ſhall be aſcertained agreeably to the directions of the act, entitled "An act to regulate highways."

IV. *And be it further enacted*, That when the ſaid commiſſion- 6
ers ſhall have laid out, opened and properly worked and completed the ſaid highway, a copy of the route ſhall be entered of record in the town clerk's office, in each of the towns through which
the ſaid highway ſhall paſs; and the ſaid highway ſhall for ever 7
thereafter be kept in repair agreeably to the directions of the act, entitled "An act to regulate highways."

V. *And be it further enacted*, That the ſaid commiſſioners ſhall 8
account with the comptroller for the money they may receive and expend by virtue of this act.

VI. *And be it further enacted*, That the commiſſioners ſo to be 9
appointed, ſhall before they enter on the duties enjoined on them by this act, give bond to the people of this ſtate, with ſuch ſureties as the comptroller ſhall approve, in the penal ſum of five thouſand dollars, conditioned for the faithful performance of ſuch duties.

CHAP. CVII.

Contents.

1. Commissioners for laying out the road, appointed.
4. ------- Their compensation.---7, 8. Their bills, how audited and paid.
5. ------- Authorized to engage a surveyor.
11. ------- When to proceed to execute their duties.
10. ------- Of highways, their duty with respect to this road.
9. Land, improved, damages sustained by the road running through, how assessed and paid.
2. Road, where to commence and general route thereof.
3. ------- To be laid out on actual survey, and return of survey to be entered of record.
6. Surveyor, his compensation including chain bearers.
7. ------- His bills, how audited and paid.

An ACT *relative to the Road leading from the City of Albany to the Orange Turnpike.*

Paſſed April 6th, 1803.

WHEREAS an act of the legiſlature of this ſtate, paſſed 30th March, 1802, authorized the appointment of commiſſioners to examine and explore the country, on the route of the road leading from the city of Albany to the Orange turnpike, at or near the houſe of Moſes Cunningham, whoſe duty it was made (amongſt other things) by the ſaid act, after they had examined and explored ſaid route, to report to the legiſlature, at their then next meeting, what alteration in their opinion would be neceſſary in the road aforeſaid, and the probable expenſes that might be conſequent on ſuch alteration, and alſo to deſignate by particular marks and deſcriptions where the ſaid road does or ought to croſs the boundary lines of the reſpective towns through which it might paſs; and alſo ſuch other matters and things as they might deem neceſſary for the information of the legiſlature in the premiſes: *And whereas*, The commiſſioners appointed by ſaid act, have by virtue of the authority therein given, made report to the legiſlature at this ſeſſion of what they have done in the premiſes, as by their report will appear: *And whereas*, It appears to the legiſlature, that great public advantage would be received by having ſaid road laid out and opened with all convenient ſpeed, and that the ſame cannot be done without having commiſſioners appointed, for the purpoſe of laying out the ſame road through the whole extent thereof: Therefore,

1 I. *Be it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That Charles Selden, Benjamin Smith, and Albert Pawling, be and hereby are appointed commiſſioners with full power and authority to lay out ſaid road;
2 beginning at the ſouth bounds of the city of Albany, and from thence on the route which to them ſhall appear moſt for the public intereſt, to the toll-bridge at Catſkill landing: thence following the commiſſioners route agreeable to their report aforeſaid, to Kingſton, with liberty to alter the ſame where in their opinion it ſhall be for the public good; thence along the ſame route as nearly as may be to Springtown at or near the dwelling-houſe of Doctor Peters; thence on as ſtraight and direct a route as the nature of the ground will admit for a good road to the bridge over the Shawangunk kill, near the houſe of Selah Tuthell; thence along the road which is known by the name of the Iriſh road, ſtraightening the ſame where in their opinion it ſhall be neceſſary, to the place where the ſaid road turns ſhort to Windfield's bridge, near the dwelling-houſe of James Kain, Eſquire; then to leave the ſaid Iriſh road, and purſue what in their opinion ſhall be the beſt route of a good road to Ward's bridge; thence along the main road to the village of Goſhen, ſtraightening the ſame where they ſhall think it neceſſary; thence to Cheſter in like manner; and from thence on what in their opinion ſhall

be the beſt and moſt convenient route to the Orange turnpike aforeſaid; which road is to be laid out by ſaid commiſſioners on 3
actual ſurvey, and to be entered of record in the ſecretary's office of this ſtate.

II. *And be it further enacted*, That the ſaid commiſſioners ſhall 4
each be allowed the ſum of three dollars and fifty cents for every day they ſhall or may be employed in the ſervice aforeſaid, including all expenſes: *And further*, The ſaid commiſſioners ſhall 5
have power and authority by this act, to agree with a ſurveyor to ſurvey ſaid road; and that the ſaid ſurveyor, including his 6
chain bearers, ſhall be allowed at and after the rate of ſix dollars and fifty cents for each day he ſhall be employed in ſurveying ſaid road, including all expenſes; and that the bills of the ſaid 7
commiſſioners and ſurveyor aforeſaid, reſpectively, ſhall be audited by the ſupervisors of each county, into or through which ſaid road ſhall be laid.

III. *And be it further enacted*, That the commiſſioners aforeſaid, ſhall be allowed three and half dollars each, including 8
expenſes for every day they ſhall or may be employed in the ſervice aforeſaid, to be paid in manner following, to wit: They ſhall make and ſubſcribe with their proper names and hand writing, an account of their ſervices aforeſaid, and preſent one copy thereof to the ſupervisors of the county of Albany, one other copy thereof to the ſupervisors of the county of Greene, one other copy to the ſupervisors of the county of Ulſter, and one other copy thereof to the ſupervisors of the county of Orange, who ſhall at their reſpective annual meeting in October, audit the ſame, and direct one fourth part thereof to be aſſeſſed, collected and paid as part of the contingent expenſes of the ſeveral counties to which they reſpectively belong.

IV. *And be it further enacted*, That if ſaid road ſo laid out by 9
ſaid commiſſioners as aforeſaid, ſhall be laid through any encloſed or improved lands, the owner or owners ſhall be paid his or their damages and have the ſame aſſeſſed and determined in like manner as the owner or owners of encloſed or improved lands through which public highways are laid, are directed to be paid, aſſeſſed and determined, by the fifteenth ſection of the act, entitled "An act to regulate highways," paſſed the 8th April, 1801.

V. *And be it further enacted*, That the commiſſioners of high- 10
ways, in the towns through which ſaid road ſhall be laid out by the commiſſioners appointed by this act, are hereby authorized and directed, without delay, to open the ſaid road in their ſeveral towns in like manner as if the ſame had been laid out by the ſaid town commiſſioners reſpectively.

VI. *And be it further enacted*, That the commiſſioners appointed by this act, ſhall meet at Albany on the firſt Monday of June 11
next, and immediately thereafter proceed to execute the duties aſſigned to them by this act.

Certain Waters of Chenango River declared Public Highways.

CHAP. CII.

Contents.

1. Chenango river, a part of the eaſt branch thereof, } declared
2. ------- A part of the weſt branch thereof, and } public
3. ------- A part of the Oeſclie or middle branch of } highways.
4. Penalties on perſons obſtructing the waters here declared public highways.---5. Proviſo relative to.

An ACT *declaring certain Waters in the Counties of Onondaga, Tioga and Chenango, to be Public Highways.*

Paſſed April 6th, 1803.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Aſſembly*, That all that part of the eaſt or
1 main branch of Chenango river, from the mills of Daniel and Eliſha Wheeler, in the town of Hamilton, to its junction with the Tioughnioga river, and all that part of ſaid eaſt branch from the ſouth line of Thomas Hart's land to the forks of ſaid river in the
2 town of Sherburn; and that part of the weſt branch of the Chenango river, from the forks near the north line of lot number forty-ſeven, in the town of Fabius, to the north bounds of the townſhip of
3 Virgil; and that part of the Oeſclie, or middle branch of the Chenango river, from the bridge on lot number nineteen, in the townſhip of Cincinnatus, to its junction with the weſt branch thereof, be and they are hereby declared to be public highways.

4 II. *And be it further enacted*, That if any perſon ſhall, after paſſing of this act, dam up or obſtruct the navigation of the before deſcribed waters by erecting or building any mill or wier, or by the building or erecting thereon any other works, or by cutting or falling wood or timber in the ſame, every perſon ſo offending ſhall forfeit for each offence a ſum not exceeding twenty-five dollars, to be recovered with coſts of ſuit, by and for the uſe of any perſon who will ſue for the ſame, before any juſtice of the peace in the county wherein ſuch offence ſhall be committed; and the perſon or perſons ſo offending ſhall moreover be deemed guilty of a miſdemeanor, and be proſecuted accordingly by indictment:
5 *Provided nevertheless*, That if any perſon or perſons who have heretofore erected, or ſhall hereafter erect a dam acroſs either of the aforeſaid ſtreams for the uſe of any mill or other works, if ſuch perſon or perſons ſhall cut a ſufficient canal through ſuch dam, or ſhall ſo conſtruct the ſame as not materially to injure the navigation of ſaid ſtream, then ſuch perſon or perſons who have erected or ſhall hereafter erect a dam or other work on ſuch ſtream, ſhall not be liable to the penalties contained in this act.

CHAP. LX.

Contents.

1. Highways, that part of the act regulating, which relates to a part of the Nine-Mile creek, repealed.
2. Paul Reeves and Jonah Howell authorized to erect a dam, on certain conditions, over Mud creek.
3. ------ Penalty on, for unreasonably hindering the passage of boats.

An ACT *to repeal so much of the Act, entitled "An Act to regulate Highways," as relates to a Part of the Nine-Mile Creek, in the County of Onondaga, and for other Purposes.*

Passed March 26th, 1803.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That all that part of the act, entitled, "An act to regulate highways," passed April 8th, 1801, which relates to the whole of that certain stream of water called the Nine-Mile creek, in the county of Onondaga, so far as respects the said stream, above the foot of the lower falls thereof, shall be and hereby is repealed. 1

II. *And be it further enacted*, That it shall be lawful for Paul Reeves and Jonah Howell, of the town of Palmyra, in the county of Ontario, to erect a dam across Mud creek, in the town of Sodus, in said county, for the purpose of supplying a mill with water: but that the navigation of said creek be not impeded by the dam hereby allowed to be erected, it shall be the duty of the said Paul Reeves and Jonah Howell, their heirs and assigns, to make or cause to be made on said dam, so allowed, a sufficient lock or canal to permit the passing of boats or rafts not less that twelve feet in width and seventy feet in length, which all persons shall have the liberty of passing at all times free of expense; and it shall also be the duty of the said Paul Reeves and Jonah Howell, their heirs and assigns, to keep the said lock or canal in good repair as long as the said dam is continued across the said creek; *Provided however*, That the dam hereby allowed to be erected shall not be so constructed as to prevent fish from passing the same, or to raise the water of said creek on any lands not owned by the said Paul Reeves and Jonah Howell, their heirs or assigns. 2

III. *And be it further enacted*, That if the said Paul Reeves and Jonah Howell, their heirs or assigns, shall unreasonably delay or hinder any person or persons with a raft or rafts, boat or boats, from passing said lock or canal, he or they shall for every such offence, forfeit and pay the sum of two dollars for every hour's detention, to be recovered with costs, before any justice of the peace of the county of Ontario, for the sole use of the person or persons so unreasonably detained. 3

Free Bridge over Esopus Creek.

CHAP. VI.

Contents.

3. Committee, appointed by the inhabitants of Kingston, their duty.
1. Supervisors, to order a certain sum of money to be raised in the town of Kingston.
2. Treasurer thereof, his duty.

An ACT *to enable the Supervisors of the County of Ulster, to raise a Sum of Money for the Purposes therein mentioned.*

Passed February 12th, 1803.

I. BE *it enacted by the People of the State of New-York, represented*
1 *in Senate and Assembly*, That it shall and may be lawful for the supervisors of the county of Ulster, at their next annual meeting, to order the sum of fourteen hundred and sixty-seven dollars and four cents, to be assessed, levied and collected, from the inhabitants of the town of Kingston, in said county, in the same manner as is directed in and by the act, entitled "An act for defraying the public and necessary charges in the respective counties of this state," passed 8th April, 1801.

2 II. *And be it further enacted*, That the treasurer of the said county, is hereby authorized to pay the said sum of money to Moses Yeomans, Peter Marius Groen, Benjamin Bogardus, Oke Suydam, and Abraham Houghtaling, or the survivor or survivors of them, a committee appointed by the freeholders and inhabitants of the said town of Kingston, to contract with the president, directors and company of the Ulster and Delaware turnpike road, according to the ninth section of the act, entitled "An Act to establish a turnpike corporation for improving and making a road from the west line of the town of Salisbury, in the state of Connecticut, to the Susquehannah river, at or near the town of Jericho," to make the bridge over the Esopus creek, near the town of Kingston aforesaid, a free bridge.

3 III. *And be it further enacted*, That the said Moses Yeomans, Peter Marius Groen, Benjamin Bogardus, Oke Suydam and Abraham Houghtaling, shall account to the supervisors of the said county, at their annual meeting in the year one thousand eight hundred and four, in what manner the money directed by this act to be paid to them has been expended, and shall pay the balance if any shall remain in their hands, to the treasurer of the said county, after deducting all the necessary charges and expenses of the said committee, for the use of the inhabitants of said town of Kingston.

Navigation.

CHAP. LXVIII.

Contents.

10, 11, 15. Bonds, } Commissioners to enter into.---12, 16. To be filed in the comptroller's office.
4. Commissioners for improving the navigation from Troy to Lansingburgh, named.
6. ------- For improving ditto from Lansingburgh to Waterford.
13. ------- For improving the navigation from the city of Albany to Nicoll's creek, named.---9, 17, 25. To account with the comptroller.
21. Council of Appointment, to appoint commissioners for improving the port of Sag-Harbour.--22. And a person to receive the profits arising from the improvement.
23. Lands for docking, &c. at Sag-Harbour, to be released to the people of this state.
1, 2. Managers of the Literary Lottery, to raise additional sums by the 3d and 4th lotteries.---3, 5, 7, 8. To pay such additional sums to certain commissioners.
14. ------- To raise 8000 dollars for improving the navigation from Albany to Nicoll's creek.
19. ------- Authorized to divide the 3d and 4th classes.
20. ------- Directed to raise by the last class 5000 dolls. for improving the port of Sag-Harbour.
24. ------- To raise 600 dolls. for building a bridge over Scholharie river.
26. ------- Their compensation and expenses limited.
27. ------- Account of their expenses comptroller to audit.
28. ------- Avails to be paid as directed by the law.
18. Society for the relief of poor widows, 15000 to be raised for their use.

An ACT *making further Provision for improving the Navigation between the Villages of Troy and Waterford, and for other Purposes.*

Passed April 2d, 1803.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the persons appointed managers of the lotteries, authorized by the act, entitled "An act for the encouragement of literature," or a majority of them, are hereby authorized and required to raise by the third lottery, directed by said act, the sum of seven thousand five hundred dollars, together with the expenses thereon accruing, in addition to the sum of twenty-five thousand dollars, ordered by said recited act. 1

II. *And be it further enacted*, That the said managers shall raise by the fourth lottery, directed by said act, the additional sum of seven thousand five hundred dollars, together with the expenses accruing thereon, over and above the sum of twenty-five thousand dollars, ordered to be raised by the said recited act. 2

III. *And be it further enacted*, That immediately after the drawing of the said third lottery, the said managers shall pay to 3

4 Charles Selden, William Bradley and Joseph Alexander, who are hereby appointed commissioners for the improving of the navigation between the villages of Troy and Lansingburgh, the sum of five thousand dollars, to be by them expended in improving the
5 navigation between the villages aforesaid; and the further sum
6 of two thousand five hundred dollars to Jacobus Vast Schoonhoven, Samuel Stewart and Hezekiah Ketchum, who are hereby appointed commissioners for improving the navigation between the villages of Lansingburgh and Waterford, to be by them expended in improving the navigation between the villages aforesaid.

7 IV. *And be it further enacted*, That the said managers, immediately after drawing the fourth lottery, shall pay to the aforesaid commissioners for improving the navigation between the villages of Troy and Lansingburgh the sum of five thousand dollars, to be by them laid out and expended in improving the navigation between the said villages, and to the aforesaid commissioners for improving the navigation between the villages of Lansingburgh
8 and Waterford, the sum of two thousand five hundred dollars, to be by them expended in improving the navigation between the said villages of Lansingburgh and Waterford.

9 V. *And be it further enacted*, That it shall be the duty of the commissioners, appointed by this act to improve the navigation between Troy and Lansingburgh; and also the commissioners, herein appointed to improve the navigation between Lansingburgh and Waterford respectively; to account with the comptroller of this state, for the time being, for all such sums of money as they shall annually receive by virtue of this act; and also to exhibit a statement of the improvements by them made.

10 VI. *And be it further enacted*, That the first mentioned commissioners shall, before they enter upon the execution of the duties enjoined on them by this act severally give bonds to the people of this state, with one or more sureties, to be approved by the comptroller, in the penal sum of fifteen thousand dollars, condi-
11 tioned for the faithful performance of said duties; and that the last mentioned commissioners, before they enter upon the execution of the duties enjoined on them by this act, shall also severally give bonds to the people of this state, with one or more sureties to be approved by the comptroller, in the penal sum of seven thousand five hundred dollars, conditioned for the faithful per-
12 formance of the duties enjoined on them by this act: all which bonds shall be filed with the comptroller of this state.

13 VII. *And be it further enacted*, That John Bogart, Gilbert Stewart, and Hugh Boyd, be and hereby are appointed commissioners for opening and improving the navigation of Hudson's river, between the northern boundary line of the city of Albany, on the said river, and the mouth of a certain creek in the town of Bethlehem, in the county of Albany, known by the name of Nicoll's creek: And it shall be lawful for the said commissioners to cause such works to be erected, and to adopt such measures as

as they may deem proper for removing obſtructions, and improving the navigation between the places aforeſaid.

VIII. *And be it further enacted*, That the ſaid managers cauſe 14
to be raiſed by lottery, the further ſum of eight thouſand dollars, in ſuch manner as they, or a majority of them, ſhall think proper; which ſum, when raiſed, the ſaid managers ſhall pay unto the ſaid laſt mentioned commiſſioners, for the purpoſes aforeſaid.

IX. *And be it further enacted*, That the ſaid laſt mentioned 15
commiſſioners ſhall, before they enter upon the execution of the duties enjoined on them by this act, give bond to the people of this ſtate in the penal ſum of twelve thouſand dollars, with ſuch ſureties as the comptroller ſhall approve, conditioned for the faithful diſcharge of ſuch duties; which bond ſhall be filed in the 16
comptroller's office: and the ſaid commiſſioners ſhall from time 17
to time account with the comptroller for the expenditure of the ſaid money.

X. *And be it further enacted*, That the mayor, aldermen and 18
commonalty of the city of New-York, be and they are hereby authorized, if they deem it expedient and neceſſary, to raiſe by lottery a ſum not exceeding fifteen thouſand dollars, for the uſe and benefit of the ſociety for the relief of poor widows with ſmall children, to be by that ſociety appropriated to the charitable purpoſes of their inſtitution.

XI. *And be it further enacted*, That it ſhall be lawful for the 19
managers of the aforeſaid lotteries (if they ſhall ſee fit) to divide the third and fourth claſſes of the ſaid lotteries, into three claſſes: *Provided nevertheless*, That it ſhall be incumbent on the ſaid managers to draw the ſaid three claſſes within the period of two years from and after the finiſhing of the drawing of the ſecond claſs.

XII. *And be it further enacted*, That the ſaid managers ſhall 20
raiſe by the laſt claſs of the lottery, directed by the ſaid act, the additional ſum of five thouſand dollars, together with the expenſes thereon, over and above the ſum of twenty-five thouſand dollars ordered to be raiſed by the ſaid recited act, for the improvement of the port of Sag-Harbour, for the encouragement of the whale and cod fiſheries; and that the ſaid ſum be expended by three 21
perſons to be appointed by the council of appointment, for the purpoſe aforeſaid, who ſhall give bond and ſufficient ſecurity for the faithful performance of ſaid truſt, and to expend the ſaid ſum in making wharves, piers or other accommodations for ſhipping at ſaid port, as they or any two of them ſhall judge moſt conducive to the encouragement of the ſaid fiſheries and other navigation; and that the ſaid wharves, piers or other accommodations, which ſhall be made in purſuance of this act, ſhall belong to the people of this ſtate, and the profits ariſing therefrom, under ſuch regulations as ſhall hereafter be directed by law, ſhall be annually paid into the treaſury, by ſuch perſon as the council of appoint- 22
ment ſhall from time to time appoint to receive the ſame: *Provided always*, That the proprietors of the lands on which the 23

commissioners shall judge proper to make such wharves, piers or other accommodations as aforesaid, shall first release to the people of this state, their right, title and interest to the same land, for so long a time as the said wharves, piers or other accommodations as aforesaid, shall be preserved for the uses aforesaid.

24 XIII. *And be it further enacted*, That the managers aforesaid, be authorized to raise a further sum of six hundred dollars, for erecting a bridge over the Schoharie river, in the town of Schoharie, in the county of Schoharie, opposite to the dwelling-house of Jacob Lawyer, junior, which said sum when raised shall be paid by the said managers to the commissioners of highways of the said town of Schoharie or to their order, for the purpose aforesaid;
25 and that the said commissioners account for the same to the comptroller, when and as often as they shall be by him thereunto required: *Provided however*, That if the said commissioners or their successors, shall not within one year after the receipt of the said money, cause a good and sufficient bridge to be erected at the place aforesaid, then the said sum of six hundred dollars shall be paid into the treasury of this state, for the use of the people thereof.

26 XIV. *And be it further enacted*, That as soon as any lotteries shall be drawn after the passing of this act, the managers after deducting therefrom their reasonable expenses for drawing and conducting the same, not exceeding ten per cent of the whole
27 sum raised in either of the said lotteries, to be audited, and al-
28 lowed by the comptroller of this state, shall pay the avails as directed by the law authorizing such lottery.

Water-Works.

ALBANY.

CHAP. XXVI.

Contents.

3. Corporation of the city, to be entitled to 12 votes for trustees.
4. Stock, of the company, owned by the corporation, unalienable.
1. Trustees, recorder of the city to be ex officio one.
2. ------- Only four hereafter to be elected.

An ACT *to amend the Act, entitled "An Act to incorporate the Proprietors of the Albany Water-Works."*

Passed March 4th, 1803.

IN compliance with a petition of the mayor, aldermen and commonalty of the city of Albany, and the trustees and company of the Albany water-works:

I. *Be it enacted by the People of the State of New-York, represent-*
1 *ed in Senate and Assembly*, That from and after the Monday preced-

ing the first Tuesday of June next, the recorder of the said city shall for ever thereafter, by virtue of his office, be one of the trustees of the said company: That at every election for trustees to be held after the passing of this act, instead of five, only four trustees shall be elected: And that the said mayor, aldermen and commonalty shall not have more than twelve votes at any such election, for any number of shares they may hold of the stock of the said company; although such number of shares, by provisions of the act hereby intended to be amended, would otherwise have entitled them to a greater number of votes.

II. *And be it further enacted*, That the stock in the said company belonging to the said mayor, aldermen and commonalty, shall for ever hereafter be unalienable.

GENEVA.

CHAP. LXIII.

Contents.

23. Act of Incorporation, declared a public act.
17. Bye-Laws, directors empowered to make.
1. Company, their style and corporate rights.
5. Directors, five, to manage the concerns of the company.
12. ------- Vacancy among, how filled.---13. Of the first board, named.
15. ------- May appoint officers---18. And determine their compensation.
16. Dividends, to be declared half yearly.
6. Election, anniversary day of.---7. By ballot---may be by proxy.
22. ------- If not held on the day appointed, may be on any other.
19. Lands, to be used by the corporation, value how ascertained.
21. ------- Heretofore granted to the corporation, vested in it.
20. Penalty on persons for injuring conduits, &c.
10. President, how elected.---11. Pro tem. may be chosen.---14. First president appointed.
2. Shares, value, number.---8. Apportioned for voting.
4. ------ Instalments on, forfeiture for not paying.
3. ------ Present stockholders entitled to two shares created by this act for every share they now hold.
18. Transfers of stock, mode of making, directors to prescribe.
9. Votes, equality of, for directors, how determined.

An ACT *to incorporate the Proprietors of the Geneva Water-Works.*

Passed March 31st, 1803.

WHEREAS certain persons have associated for supplying the village of Geneva with pure and wholesome water, and have by their petition prayed to be incorporated: Therefore,

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Jacob Hallett, Herman H. Bogart, Jacob W. Hallett, Samuel Colt, Nathaniel Merrill, David Cook, David Naglee, Ezra Patterson, William Hortsen, Charles Williamson, Thomas Powell, John Johnston, Polydore B. Wisner and Joseph Annin, and their present and future associates, shall be

and hereby are conſtituted a body corporate and politic in fact and in name, by the name of the Preſident, Directors and Company of the Geneva Water-Works, and by that name ſhall and may have continual ſucceſſion, ſue and be ſued, plead and be impleaded, anſwer and be anſwered unto, defend and be defended, in all manner of actions, matters and cauſes whatſoever, in courts of record, or in any other place whatſoever; have a common ſeal, and may change or alter the ſame at pleaſure: and they and their ſucceſſors, by the ſame name and ſtyle, ſhall be in law capable of purchaſing, holding and conveying any eſtate, real and perſonal: *Provided*, Such real eſtate ſhall be neceſſary to at-
2 tain the object of this incorporation: That the ſtock of the ſaid company ſhall conſiſt of four hundred ſhares of fifty dollars each;
3 that each of the preſent ſtockholders of the ſaid aſſociation ſhall be entitled to two ſhares of the ſaid ſtock created by this act for every ſhare they now hold reſpectively; that the ſums paid on each ſuch ſhare now held ſhall be divided equally between the two ſhares ſo ſubſtituted for the one ſhare now held by the preſent
' ſtockholders, and the remainder of the ſaid ſum of fifty dollars
4 conſtituting a ſhare of ſtock created by this act, and all ſuch ſum or ſums of money as may be at any time due on any ſhare or ſhares held in the company ſhall be paid by all perſons now or hereafter reſpectively holding ſhares of ſtock in the ſaid company in ſuch proportions and at ſuch periods of time as the ſaid directors ſhall direct and appoint, upon pain of forfeiture of their ſhares, and all previous payments thereon to the ſaid directors, for the uſe of the company.

5 II. *And be it further enacted*, That the management of the concerns of the ſaid company ſhall be entruſted to five directors, being ſtockholders, and inhabitants of the village of Geneva; which directors ſhall hold their offices one year from the firſt Tueſday in May in every year, and until others are elected in their ſtead:
6 that an election ſhall be held on the Tueſday preceding the firſt Tueſday in May in every year, at ſuch place in the village of Geneva, and at ſuch hour as the ſaid directors ſhall from time to time appoint, by notification to be put up ſix days before the election, in three public places in the ſaid village of Geneva: that the election ſhall be held by ſuch perſon, being a ſtockholder, as the ſtockholders preſent, immediately before the opening of ſuch election, and after the hour ſo appointed, ſhall by a plurality of votes appoint; and ſuch perſon ſhall, after he ſhall then and there have openly counted and eſtimated the votes, forthwith make return in writing, under his hand, of the reſult of ſuch
7 election, to the clerk of the directors: that all the elections ſhall be by ballot, by the ſtockholders perſonally, or by proxy, each
8 ſtockholder voting in the following proportions, to wit: one vote for every ſhare not exceeding four, five votes for ſix ſhares, ſix votes for eight ſhares, and one vote for every five ſhares above eight; but no perſon, co-partnerſhip, or body politic, ſhall be entitled to more than twenty votes, and the five perſons having the

greatest number of votes shall be directors; that if any two or 9
more persons have an equal number of votes, so as that five directors shall not be elected, the stockholders shall forthwith in like manner elect, out of the persons so having an equal number of votes, so many as shall complete the number of five directors: that the said directors shall, on the second Tuesday of May in 10
every year, elect one of their number president; that in case of 11
the absence of the president from any meeting, the directors present may, by plurality of votes, appoint one of their number president for that meeting; and in case of vacancy of the office of any 12
of the said directors, by death, resignation, or removal from the said village, others shall be elected by the said stockholders to fill such vacancy, at such time and place in the said village as the directors, for the time being, may from time to time appoint, always giving six days previous notice, by advertisement as aforesaid; that Jacob Hallett, Thomas Powell, Jacob W. Hallett, Da- 13
vid Cook, and David Naglee, shall be the first directors; and that 14
the said Jacob Hallett shall be the first president: all to remain in office until the first Tuesday of May next.

III. *And be it further enacted*, That the said directors, shall be 15
authorized in their discretion to appoint a clerk, treasurer, superintendent, and such other officers, agents and servants, as they shall from time to time deem necessary, for carrying into effect the powers vested in the said company; to declare and pay the divi- 16
dends on the stock of the said company half yearly; to establish 17
rules, regulations, ordinances and bye-laws, for and concerning the conduct and government of such agents and servants; and for 18
determining the compensation to which they shall be respectively entitled, and for and concerning the manner of making transfers of the said stock; and the conduct and government of all such persons as shall use water from their works, so far as respects the preservation of the water furnished by the said company, and to restrain the waste thereof; and by such bye-laws and ordinances to impose penalties and forfeitures for a neglect or refusal to comply therewith, so that such penalty and forfeiture in any one case shall not exceed five dollars; which penalties or forfeitures shall be recoverable in the name of the clerk or superintendent, before any justice of the peace with costs in an action of debt; and for the purpose of effectually supplying the said village, and the inhabitants in the neighbourhood with water, it shall and may be lawful to and for the said directors and company, to lay and conduct any number of conduits necessary for and calculated to convey such water through or over any lands in the town of Seneca, and repair the same; and in case of disagreement with the owner 19
or owners of any lands or tenements, as to the compensation to be made for the injury sustained by such operations, or if the owner or owners thereof be out of the state, feme covert, under age or insane, that then and in every such case, it shall be lawful for one of the judges of the court of common pleas of the county of Ontario, not interested in the said water-works, upon the applica-

tion of the said directors, to appoint three indifferent persons, being freeholders, to appraise such damages. and they or any two of them, shall with all convenient speed, make such appraisement and report the same to the judge, who shall have made such appointment, in writing subscribed by them, which report the said judge shall forthwith cause to be filed in the office of the clerk of the said county, with a certificate to be subscribed by him of his having made such appointment; that the said directors shall thereupon pay to the owner or owners of such lands or tenements, or person or persons legally authorized to receive the same, whenever he or she shall demand it, the amount of such damages, and shall forthwith after such appraisement shall have been completed pay to such judge all the costs, charges and expenses attending the making the said appraisement and perfecting such report, which payments shall be deemed a full compensation for such injury; and that it shall and may be lawful to and for the said president, directors and company, to conduct and lay their conduits below the surface of any street or public highway, leaving the same in as good condition as the same was before such conduits were laid.

20 IV. *And be it further enacted*, That if any person or persons, shall wilfully stop, impair, break, injure, or deface any conduit, reservoir, spring-house or other matter or thing appertaining to the conducting or preserving the water aforesaid, he, she or they shall forfeit and pay to the president, directors and company aforesaid, treble the damages thereby sustained, to be recovered in an action of trespass, in any court having cognizance thereof with costs.

21 V. *And be it further enacted*, That all deeds, conveyances, grants, bargains and sales, gifts and privileges, whatsoever, heretofore made, granted, given or confirmed to the said company, of any lands, tenements, springs or fountains of water, and also of any privilege of laying, conducting or repairing conduits or water-pipes or logs, through any lands or tenements, shall be and the same is hereby vested in and confirmed to the said president, directors and company, to all intents, constructions and purposes whatsoever, as fully as if the said company had been incorporated at the time of making the same, by whatsoever name the said company may be known or described in such deed or deeds, conveyance or conveyances.

22 VI. *And be it further enacted*, That in case it should happen, that any election of directors should not be made on any day when in pursuance of this act, it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful, on any other day to hold and make an election of directors, in such manner as shall be regulated by the bye-laws of the said corporation.

23 VII. *And be it further enacted*, That this act shall be a public act, and be construed in all courts and places, benignly and favourably for the beneficial purpose therein intended.

Ferry across Lake Champlain.

CHAP. XXXVII.

Contents.

5. Ferriage, rates of, how ascertained and determined.
1. John Ransom allowed to set up and keep a ferry for a limited period.
2. ------- Made his duty to make a convenient dock or landing place.
3. ------- To keep and support a sufficient ferry boat.
4. ------- To be ready at all seasonable times for ferrying.
8. ------- Privileges granted to, may be annulled for neglect of duty.
6. Penalty for exacting more than established rates of toll.
7. ------- On any one, other than J. Ransom, for establishing a ferry within a specified distance.

An ACT *for establishing and regulating a Ferry across Lake Champlain, at Cumberland-Head.*

Passed March 19th, 1803.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for 1
John Ransom, of the town of Plattsburgh, in the county of Clinton, and his assigns, to set up, keep and maintain a ferry across the lake Champlain, from the landing of said John Ransom at Cumberland-head, in the said town of Plattsburgh, to Grand-Isle, for and during the term of ten years, to be computed from the first day of September next.

II. *And be it further enacted*, That the said John Ransom and 2
assigns shall, if they shall set up a ferry by virtue of this act, erect a convenient dock or landing place, if not already erected, on such part of the land of said John Ransom, at Cumberland-head aforesaid, as shall be most suitable for the purpose, and shall, during the time aforesaid, keep, support and maintain a sufficient 3
ferry boat, capable of conveying four horses, and ready at all 4
reasonable times and seasons to transport and ferry across the said lake persons, goods and chattels.

III. *And be it further enacted*, That the court of common pleas 5
of the county of Clinton, in their sessions, may and shall annually order, direct and determine the several rates of said ferry, and the several hours in each day that the boats of said ferry shall be kept in readiness.

IV. *And be it further enacted*, That if the above named John 6
Ransom or his assigns, or any ferryman or person employed by him, shall take, exact or receive any greater or higher rates for transporting persons, goods and chattels, or other things whatsoever, than shall be by the court of common pleas aforesaid limited or established, he so offending shall forfeit and pay for every such offence the sum of three dollars, to be recovered in any court within this state having cognizance thereof, by any person who shall sue for the same.

V. *And be it further enacted*, That if any person or persons 7

ſhall, after the firſt day of September next, ſet up, keep or maintain a ferry, or ſhall carry or tranſport any perſons, goods or chattels, for hire or pay, acroſs the ſaid lake, between the ſouth point of Cumberland-head and the north point, called Gravelly-point, on ſaid Cumberland-head, other than the ſaid John Ranſom or his aſſigns, ſuch perſon or perſons ſhall for every ſuch offence forfeit and pay the ſum of five dollars, to be recovered in any court within this ſtate having cognizance thereof, by any perſon who ſhall ſue for the ſame: *Provided always*, That nothing herein before contained ſhall be conſtrued to exclude any perſon or perſons living or inhabiting on the ſaid lake within the limits aforeſaid, from the right of carrying and tranſporting themſelves and their goods and chattels reſpectively in their own boats, without paying any rate of ferriage.

VII. *And be it further enacted*, That if it ſhall appear upon ſufficient evidence to the court of common pleas of the ſaid county of Clinton, that the ſaid John Ranſom or his aſſigns, ſhall wilfully neglect to comply with the directions of this act, in keeping the ferry aforeſaid, it ſhall and may be lawful for the ſaid court to adjudge that all the privileges granted to him under this act, ſhall ceaſe and be of no effect.

Stage-Waggons.

CHAP. XX.

Contents.

. Donally, Terence, and others, allowed an exclusive right of running stage-waggons on a certain route.
. ------- To provide four stage-waggons.—5. To run at least once in each week on the line.
. ------- Their exclusive right, to become void in case of a neglect.
. Fare, rates of.
. Penalty on persons other than Terence Donally and associates for running stage-waggons on said route.

An ACT *to grant to Terence Donally and others, the exclusive Right, for a certain Term, of running Stage-Waggons on the West Side of Hudson's River, between the City of Albany and the Northern Boundary Line of the State of New-Jersey.*

Paſſed February 26th, 1803.

. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Terence Donally, Iſaac Slote, Jacob Vanderhoff, William Tremble, Hiel Brockway, James Bennet and Iſrael Ranſom, their executors, adminiſtrators and aſſigns, ſhall have, poſſeſs and enjoy, for the term of ſeven years from the paſſing of this act, the ſole and excluſive right of erecting and running and driving, during the term aforeſaid,

ſuch and ſo many ſtage-waggons from and to the city of Albany, and the northern boundary line of the ſtate of New-Jerſey, along the moſt uſual route now eſtabliſhed or hereafter to be eſtabliſhed on or near the weſt ſide of Hudſon's river, as they may judge ſufficient for the purpoſe of accommodating ſuch a number of paſſengers as may from time to time apply: And that it ſhall 2
not be lawful for any other perſon or perſons during the term aforeſaid to erect or eſtabliſh a ſtage or ſtages on ſaid route, under the penalty of five hundred dollars, to be recovered by any perſon or perſons who ſhall proſecute for the ſame, together with coſts, in any court of record, having cognizance of the ſame.

II. *And be it further enacted*, That the ſaid Terence Donally, 3
Iſaac Slote, Jacob Vanderhoff, William Tremble, Hiel Brockway, James Bennet and Iſrael Ranſom, their executors, adminiſtrators and aſſigns, ſhall furniſh and provide at leaſt four good
and ſufficient covered ſtage-waggons; and that the fare to be 4
paid by each paſſenger ſhall not exceed five cents for every mile, with the liberty to ſuch paſſenger of taking with him in ſuch carriage fourteen pounds weight of baggage; and that for every one hundred and fifty pounds weight of baggage, over and above ſuch fourteen pounds weight of baggage as aforeſaid, the ſum of five cents for every mile ſhall be paid, and ſo in proportion for every greater or leſs quantity: and that ſuch ſtage-waggon 5
or waggons ſhall proceed at leaſt once in every week during the ſaid term on the line aforeſaid: *Provided always*, That if the 6
ſaid Terence Donally, Iſaac Slote, Jacob Vanderhoff, William Tremble, Hiel Brockway, James Bennet and Iſrael Ranſom, their executors, adminiſtrators or aſſigns, ſhall neglect to perform the duties aforeſaid, according to the true intent and meaning of this act, that in ſuch caſe this act ſhall ceaſe, and the right and privilege hereby granted become null and void.

Steam Boat.

CHAP. XCIV.

An ACT *relative to a Steam Boat.*

Paſſed April 5th, 1803.

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That the rights, privileges and advantages granted to Robert R. Livingston, in and by the act entitled "An act repealing an act for granting and ſecuring to John Fitch the ſole right and advantage of making and employing the ſteam boat by him lately invented, and for other purpoſes," paſſed the twenty-ſeventh day of March, one thouſand ſeven hundred and and ninety-eight, be extended to Robert R. Livingſton and Robert Fulton, for the term of twenty years from the paſſing of this

ct; and that the term for giving the neceſſary proof of the prac-icability of a boat of twenty tons capacity, being propelled by team through the water, with and againſt the ordinary current f Hudſon river, taken together, four miles an hour, be and the ame is hereby extended to two years from the paſſing of this act.

State Treasurer.

CHAP. I.

Contents.

0. Bills of credit, of the state and colony, directed to be destroyed.
5. Comptroller to inspect the Treasurer's accounts, and in case of irregularity or deficiency to report to the governor.
8. ------- to procure monthly statements of the treasurer's account from the banks of Albany and New-York.
6. Governor, may declare the office of treasurer vacant, in case of wilful violation of duty.
1. Treasurer, so much of the act which relates to the office and duties of, as restrains him from being concerned in trade, repealed.
2. ------- How to keep his accounts with the banks where he makes deposits.
3. ------- How to draw monies from the banks.
4. ------- To exhibit accounts at stated periods to the comptroller.
7. ------- His duties, in what case to devolve on the president and directors of the Albany Bank.
9. ------- Abraham G. Lansing appointed.

n ACT *to appoint a Treasurer, and to amend the Act, entitled "An Act relative to the Office and Duties of the Treasurer of this State," and for destroying certain Bills of Credit.*

Paſſed February 8th, 1803.

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That ſo much of the act, entitled An act relative to the office and duties of the treaſurer of this ate, as reſtrains the treaſurer of this ſtate from being concerned irectly or indirectly in any trade or merchandize ſhall be and the ame is hereby repealed.

II. *And be it further enacted*, That the treaſurer ſhall always eep a bank book, in which ſhall only be entered his account of eceipts and monies drawn from the banks in which he ſhall make epoſits as treaſurer; that he ſhall not be authorized to draw any onies therefrom, unleſs by checks ſubſcribed by him as treaſu-r, and counterſigned by the comptroller of this ſtate: that he all exhibit ſuch book on the firſt Tueſday in every month, and tener if required, to the comptroller for his inſpection and ex-nination; and it is hereby made the duty of ſuch comptroller refully to inſpect the accounts of the debits and credits in ſuch ook, and if he diſcovers any irregularity or deficiency therein,

forthwith to report in writing the nature and extent of such irregularity or deficiency to the person administering the government of this state, and if it shall thereupon appear to the person administering the government of this state, that the treasurer has 6
in any particular wilfully violated his duty, it shall be lawful for him forthwith to declare the office of treasurer vacant, and thereupon the duties of treasurer shall devolve on the president, directors and company of the bank of Albany, in like manner as in case of the death or inability of any treasurer. 7

III. *And be it further enacted*, That it shall be the duty of the 8
comptroller to procure from the books of the respective banks of New-York and Albany, monthly statements of the monies which shall be received into and paid out in such banks on account of the treasurer of this state.

IV. *And be it further enacted*, That Abraham G. Lansing, is 9
hereby appointed treasurer of this state, to continue in said office one year, unless within that time another person be appointed in his stead.

V. *And be it further enacted*, That Thomas Tillotson, Gerrit 10
W. Van Schaick, John Tayler and Abraham Ten Broeck, be and they hereby are appointed to destroy, by burning, all the bills of credit of this state and the bills of credit of this state while a colony, which are now in the treasury of this state, or deposited in the bank of Albany for safe keeping, and to report to the legislature, during their present session, the number and amount of each bill they shall so destroy.

Superintendents of Highways.

CHAP. XIV.

Contents.

1. Superintendents of highways, to account with supervisors.
2. ------- To pay monies in their hands to county treasurer.
3. ------- In case of a neglect of duty, may be prosecuted.
4, 6. Supervisors, their duty.—5. Treasurers, their duty.

An ACT *to compel the late Superintendents of Highways to account with the Supervisors of the several Counties within this State.*

Passed February 22d, 1803.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall be the duty of 1
the late superintendents of highways of the several counties of this state, and they are hereby required to account with the board of supervisors of their respective counties, at their annual meeting in October next, for all monies received by them by virtue of their said office as superintendents of highways for such counties respectively, and not yet accounted for: And it shall 2

further be the duty of the said superintendents, and they are hereby required to pay to the treasurers of their respective counties such sum or sums of money as shall appear on such settlement to remain in their hands unappropriated, by virtue of their said office, at the time of passing this act.

III. *And be it further enacted*, That in case the superintendents, or either of them, shall refuse or neglect to account with the supervisors, and to pay over to the treasurers aforesaid, then it shall be the duty of the said supervisors, and they are hereby required to give immediate notice of such neglect or refusal to the treasurer, who is hereby required forthwith to prosecute the said superintendents, or either of them so refusing or neglecting as aforesaid, by an action of debt in his own name, as treasurer of the county, for all such sum or sums of money as may have come into his or their hands at any time during his or their continuance in the said office by virtue of the same, and with full power to prosecute the same to effect; which money shall be paid by the said respective treasurers to the order of the supervisors, or a major part of them, to be applied by them according to the direction of the act to regulate highways, passed 8th of April, 1801.

Loan-Office.

CHAP. XV.

An ACT *concerning the Loan-Office.*

Passed February 22d, 1803.

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall be the duty of the loan-officers for the several counties in this state to procure new books of mortgages, minutes and accounts similar in form to those now used, whenever their present books are filled, and that the expense of such new books shall be paid out of the monies raised in the said counties respectively to defray the contingent charges thereof.

Comptroller.

CHAP. XXII.

An ACT *to continue the Act, entitled "An Act relative to the Office and Duties of the Comptroller of this State."*

Passed February 26th, 1803.

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the act, entitled "An act rela-

tive to the office and duties of the comptroller of this state," passed the eighth day of April, one thousand eight hundred and one, shall be and hereby is continued in full force until the twenty-eighth day of February which will be in the year of our Lord one thousand eight hundred and five.

Eastern and Western Districts.

CHAP. XXIII.

Contents.

5. Clerk of the Senate, to give notice of election.
1. Eastern District, Montgomery county annexed to.
2. Senators, in the Eastern and Western districts, apportioned.
4. ------ How many to be chosen in the Eastern and Western districts at the next election.
3. Senator, residing in Montgomery, considered as belonging to the Eastern district.

An ACT *relative to the Eastern and Western Districts of this State, and apportioning the Senators to be elected therein.*

Passed February 28th, 1803.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That from and after the passing 1
of this act, the county of Montgomery shall be and is hereby annexed to the eastern district of this state; and the remaining part of the western district shall be and remain the western district of this state.

II. *And be it further enacted*, That the eastern district shall be 2
entitled to elect nine senators; and that the electors of senators in the western district shall be entitled to elect nine senators.

III. *And be it further enacted*, That the senator now residing 3
within the limits of the eastern district, as described by the first enacting clause of this act, shall be considered as a senator for the eastern district.

IV. *And be it further enacted*, That at the ensuing general elec- 4
tion the electors of senators in the eastern district shall be entitled to elect five senators; and that the electors of senators in the western district shall be entitled at the ensuing election to elect one senator; and that the senators so elected shall compose part of the second class.

V. *And be it further enacted*, That the clerk of the senate shall 5
give notice of such election immediately after the passing of this act.

New-York State Bank.

CHAP. XLII.

Contents.

40. Act of Incorporation, declared a public act.
41. Bank, business thereof, confined to the city of Albany.
26. Bills obligatory and of credit, under seal of corporation, assignable.
19. Bye-Laws, directors empowered to make.
35. Cashier and Clerks, to give bonds with sureties.
1. Company, style---corporate rights---duration of charter.---17. Not to be dissolved for not electing directors on the day prescribed.---31. Nor for non user before August next.
25. ------- Restricted from buying or selling goods, &c.
6, 9. Comptroller, to be ex officio a director.
7. ------- When required to report a state of the bank to the governor.
43. ------- May vote in person or by proxy for directors in the State or Farmer's bank.
22. Debts, to what extent may be contracted.---23. In what cases directors liable for, in their private capacities.
8. Directors, thirteen to manage the concerns of the company.
10. ------- Twelve to be annually chosen.---16. First board of, named.
19. ------- May make bye-laws.---20. May appoint officers, &c.
37. ------- Seven a quorum.---15. Vacancies how filled.
13. ------- In case of an equality of votes for, how determined.
30. ------- To give sixty days notice of calls on shares.
36. ------- To receive no emoluments for their services.
34. Dividends, to be declared half yearly.
11. Election, anniversary day of.---12. To be by ballot.
18. ------- If not held on the day appointed, may be held on any other.
42. Farmer's Bank, stock of, how transferable.---43. Comptroller may vote for directors of, in person or by proxy.
39. Interest, rate of, prescribed.
24. Lands, tenements and hereditaments, which the company may hold.
27. Notes, though not under seal, obligatory on the corporation.
14. President, how chosen.---38. When absent, his place how supplied.
33. Proxy, who may vote by.
3. Shares, value.---4. Number.---21. Transfer, mode of.
32. ------- Apportioned for voting.
28. ------- Instalments on.---29. For non-payment of, shares forfeited.
5. State, right reserved to, of subscribing 3000 shares.
2. Stock, amount of.

An ACT *to incorporate the Stockholders of the New-York State Bank, and for other Purposes.*

Passed March 19th, 1803.

WHEREAS Abraham Ten Eyck and others, associated as a company under the style of the New-York State Bank, by their petition presented to the legislature, have prayed for the privilege of being incorporated, the better to enable them to carry on the purposes of their institution: Therefore,

I. *Be it enacted by the People of the State of New-York, represent-*

tive to the office and duties of the comptroller of this state," passed the eighth day of April, one thousand eight hundred and one, shall be and hereby is continued in full force until the twenty-eighth day of February which will be in the year of our Lord one thousand eight hundred and five.

Eastern and Western Districts.

CHAP. XXIII.

Contents.

5. Clerk of the Senate, to give notice of election.
1. Eastern District, Montgomery county annexed to.
2. Senators, in the Eastern and Western districts, apportioned.
4. ——— How many to be chosen in the Eastern and Western districts at the next election.
3. Senator, residing in Montgomery, considered as belonging to the Eastern district.

An ACT *relative to the Eastern and Western Districts of this State, and apportioning the Senators to be elected therein.*

Passed February 28th, 1803.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That from and after the passing of this act, the county of Montgomery shall be and is hereby annexed to the eastern district of this state; and the remaining part of the western district shall be and remain the western district of this state. 1

II. *And be it further enacted*, That the eastern district shall be entitled to elect nine senators; and that the electors of senators in the western district shall be entitled to elect nine senators. 2

III. *And be it further enacted*, That the senator now residing within the limits of the eastern district, as described by the first enacting clause of this act, shall be considered as a senator for the eastern district. 3

IV. *And be it further enacted*, That at the ensuing general election the electors of senators in the eastern district shall be entitled to elect five senators; and that the electors of senators in the western district shall be entitled at the ensuing election to elect one senator; and that the senators so elected shall compose part of the second class. 4

V. *And be it further enacted*, That the clerk of the senate shall give notice of such election immediately after the passing of this act. 5

said election, by an advertisement to be inserted in at least two of the public newspapers printed in the said city of Albany, and the said election shall be made by such of the stockholders of the
12 said corporation as shall attend for that purpose, either in person or by proxy, and all elections for directors shall be by ballot, and the twelve persons who shall have the greatest number of votes
13 shall be directors; and if it should happen at any election, that two or more persons have an equal number of votes, then the said directors in office at the time of such election or a major part of them, shall proceed to ballot, and by plurality of votes determine which of the said persons so having an equal number of votes shall be the director or directors, so as to complete the whole
14 number; and the directors, as soon as may be thereafter, shall proceed in like manner to elect by ballot one of their number to be their president; and if any director shall remove out of this
15 state, his office shall be considered as vacant; and whenever any vacancy or vacancies shall happen among the directors by death, resignation or removal, such vacancy or vacancies shall be filled for the remainder of the year in which they shall happen by such person or persons as the remainder of the directors, for the time
16 being, or a majority of them, shall appoint; and the comptroller, together with John Tayler, Thomas Tillotson, Abraham G. Lansing, Peter Ganfevoort, jun. Elkanah Watson, John R. Bleecker, Francis Bloodgood, John Robinson, Gilbert Stewart, John D. P. Douw, Richard Lush and Thomas Mather, shall be the present directors, which twelve directors last mentioned shall hold their offices respectively, until the first Tuesday of June, which will be in the year one thousand eight hundred and four.

17 IV. *And be it further enacted*, That in case it should at any time happen that an election of directors should not be made on any day when pursuant to this act it ought to have been done, the said corporation shall not for that cause be deemed to be dis-
18 solved, but that it shall and may be lawful on any other day to hold an election of directors in such manner as shall have been regulated by the laws and ordinances of the said corporation.

19 V. *And be it further enacted*, That the directors for the time being, or a majority of them, shall have power to make and prescribe such bye-laws, rules and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said corporation, the duties and conduct of the officers, clerks and servants employed therein; the election of directors, and all such other mat-
20 ters as appertain to the concerns of the institution; and shall also have power to appoint so many officers, clerks and servants, for carrying on the said business and with such salaries and allowances as to them shall seem meet: *Provided*, That such bye-laws, rules and regulations be not repugnant to the constitution or the laws of the United States or of this state.

21 VI. *And be it further enacted*, That no transfer of stock shall be valid or effectual, until such transfer shall be entered or regis-

ed in Senate and Assembly, That all ſuch perſons as now are or 1
hereafter ſhall be ſtockholders of the ſaid bank, ſhall be and here-
by are ordained, conſtituted and declared to be from time to
time, and until the firſt Tueſday of June, which will be in the
year of our Lord one thouſand eight hundred and eighteen, a body
corporate and politic, in fact and in name, by the name of the
Preſident, Directors and Company of the New-York State Bank;
and that by that name they and their ſucceſſors, until that day,
ſhall and may have continual ſucceſſion, and ſhall be perſons in
law capable of ſuing and being ſued, pleading and being impleaded,
anſwering and being anſwered unto, defending and being defend-
ed, in all courts and places whatſoever, and in all manner of ac-
tions, ſuits, complaints, matters and cauſes whatſoever: and that
they and their ſucceſſors may have a common ſeal, and may
change and alter the ſame at their pleaſure: *And alſo*, That they
and their ſucceſſors, by the ſame name of the Preſident, Direc-
tors and Company of the New-York State Bank, ſhall be in law
capable of purchaſing, holding and conveying any eſtate, real or
perſonal, for the uſe of the ſaid corporation.

II. *And be it further enacted*, That the capital ſtock of the 2
ſaid corporation, excluſive of what may be ſubſcribed on the part
of this ſtate, ſhall not exceed four hundred and ſixty thouſand dol-
lars; and that a ſhare in the ſaid ſtock ſhall be fifty dollars; and 3
that ſubſcriptions to the ſaid capital ſtock may be kept open, un-
der the direction of the preſident and directors, until the number 4
of ſhares ſubſcribed, together with thoſe already ſubſcribed, ſhall
amount to nine thouſand two hundred; and that this ſtate ſhall 5
have a right to ſubſcribe any number of ſhares to the ſaid bank
not exceeding in the whole three thouſand, at any time when they
ſhall by law authorize any perſon or perſons for that purpoſe,
which ſhall be paid for in ſuch proportions and at ſuch times as
ſhall be provided for by the bye-laws of the ſaid corporation; and 6
in purſuance of the ſaid ſubſcription on the part of this ſtate, the
comptroller ſhall be ex officio director, whoſe duty it ſhall be, to 7
furniſh to the perſon adminiſtering the government of this ſtate,
as often as he may require, a ſtatement of the amount of the ca-
pital ſtock of the ſaid corporation, and of the debts due to the
ſame, of the monies depoſited therein, of the notes in circulation,
and of the caſh on hand.

III. *And be it further enacted*, That the ſtock, property, affairs 8
and concerns of the ſaid corporation ſhall be managed and con-
ducted by thirteen directors, being ſtockholders and citizens of
this ſtate, and of which directors the comptroller ſhall always ex 9
officio be one, which directors ſhall hold their offices for one year
from the firſt Tueſday in June in every year, and twelve of the 10
ſaid directors ſhall be elected on the firſt Tueſday in June in 11
every year, at ſuch time of day, and at ſuch place within the city
of Albany, as a majority of the ſaid directors, for the time being,
ſhall appoint, and public notice ſhall be given by the ſaid direc-
tor, not leſs than ſixty days previous to the time of holding the

rectors for the time being, to call and demand of the ſtockholders reſpectively, all ſuch ſums of money by them ſubſcribed, or to be ſubſcribed, at ſuch times and in ſuch proportions, as they
29 ſhall ſee fit, under pain of forfeiture of their ſhares and all pre-
30 vious payments thereon to the ſaid company: Always, however, giving ſixty days previous notice of ſuch call and demand in one of the newſpapers publiſhed as aforeſaid.

31 XI. *And be it further enacted*, That this preſent act of incorporation, ſhall in no wiſe be forfeited by any non uſer whatſoever, before the firſt day of Auguſt next, and that it ſhall on that day be lawful for the directors above mentioned, to aſſemble for the purpoſe of carrying the ſame into effect, any want of notice in the manner above preſcribed to the contrary notwithſtanding.

32 XII. *And be it further enacted*, That each ſtockholder ſhall be entitled to a number of votes proportioned to the number of ſhares which he or ſhe ſhall have held in his or her own name, at leaſt three months prior to the time of voting, according to the following ratios, that is to ſay, at the rate of one vote for each ſhare not exceeding four; five votes for ſix ſhares, ſix votes for eight ſhares, ſeven votes for ten ſhares, and one vote for every
33 five ſhares above ten; and that ſtockholders actually reſident within the United States, and none other, may vote in elections by proxy.

34 XIII. *And be it further enacted*, That it ſhall be the duty of the directors, to make half yearly dividends of ſo much of the profits of the ſaid bank, as to them or a majority of them ſhall ſeem ad-
35 viſable; and that every caſhier and clerk, before he enter upon the duties of his office, ſhall give a bond with two or more ſureties, to be approved of by the directors for the time being, or a majority of them, in a ſum not leſs than twenty thouſand dollars for ſuch caſhier, and four thouſand dollars for each clerk, conditioned for the faithful diſcharge of their ſeveral duties.

36 XIV. *And be it further enacted*, That no director ſhall be en-
37 titled to receive any emolument for his ſervices, and that ſeven directors ſhall conſtitute a board for the tranſaction of buſineſs, of whom the preſident ſhall be one, except in caſe of ſickneſs or
38 abſence, in which caſe the directors preſent may chooſe a chairman, pro hac vice, and that there ſhall be general meetings of the ſaid directors, at ſuch time or times in the year, as ſhall be appointed by the bye-laws of the ſaid corporation.

39 XV. *And be it further enacted*, That the ſaid corporation ſhall not demand any greater intereſt on any loan or diſcount, than at the rate of ſix per centum per annum.

40 XVI. *And be it further enacted*, That this act be and is hereby declared to be a public act, and that the ſame be for the time herein before limited, conſtrued in all courts and places, benignly and favorably, for every beneficial purpoſe therein mentioned.

41 XVII. *And be it further enacted*, That the bank ſhall be eſtabliſhed and kept, the buildings neceſſary for the accommodation thereof erected, and the buſineſs thereof at all times hereafter

transacted in the city of Albany, and not elsewhere within this state.

XVIII. *And be it further enacted*, That no transfer of stock in 42
the Farmer's bank, hereafter to be made, shall be valid or effectual until such transfer shall be entered or registered in a book or books to be kept for that purpose by the directors, and unless the persons making the same, shall previously discharge all debts due by him or her to the said corporation, which exceed in amount the residuary stock of such person; and that it shall be lawful for 43
the comptroller for the time being to vote either in person or by proxy, at every election for directors of the New-York state bank, or of the Farmer's bank, for and in behalf of this state.

Secretary.

CHAP. XLIV.

CONTENTS.

1. Secretary, no longer his duty to record the laws.
2. ------- To cause original laws to be bound.
3. ------- To deposit in his office a printed copy of the laws of each session.
4. ------- His further duties with respect to the laws.

An ACT *concerning the Recording of the Laws of this State.*

Passed March 19th, 1803.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall not be necessary for 1
the secretary to record the laws of this state as heretofore; but 2
that he shall cause the original laws to be bound together in volumes of such size as he shall think proper; and shall also from 3
time to time deposit in his office one copy of the laws printed by the printer to the state, having first examined and compared the same with the original laws on file, and noted at the end of each act, any error or mistake that may be found in the printed copy: *And further*, On the back of each volume of the engrossed or ori- 4
ginal laws, the secretary shall cause to be written or printed in large characters the words following, to wit: Original laws passed the (insert the number of) session in the year ; and on the back of the printed copy aforesaid these words, to wit: Copy of the printed laws passed the (taking in number of) session, in the year (insert the time of) compared and certified by the secretary.

Physic and Surgery.

CHAP. XLVIII.

An ACT *to amend the Act, entitled "An Act to regulate the Practice of Physic and Surgery in this State."*

Passed March 22d, 1803.

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That all persons who have practised physic or surgery, or both, for the term of two years before the first day of March, 1797, and all persons who have studied physic or surgery, or both, and shall obtain such proof of such practice or study as is required by the first section of the act hereby amended, and file the same in the office of the clerk of the county in which he or they reside, on or before the first day of January next, shall have as full power to practice physic or surgery, or both as if he had filed the same before the first day of October, 1797, any thing in the said act to the contrary thereof notwithstanding.

Duelling,

CHAP. LXXI.

Contents.

1. Challenge, citizens of the state giving or accepting one, subjected to certain disqualifications.
2. ------- Being the bearer of one, knowing it to be such, subjected to disqualifications.
3. ------- If given or accepted out of the state, offence notwithstanding cognizable within the state.
6. ------- Punishment of persons not citizens, for giving or accepting one within the state.
1. Duelling, citizens of the state guilty of, although no death ensue, subjected to disqualifications.
3. ------- If committed out of the state, by a citizen thereof, offence cognizable within the state notwithstanding.
6. ------- Persons guilty of, within the state, not being citizens, how punished.
5. Grand Juries, to be charged to enquire of offences against this act.
4. Witness, persons offending against the act considered competent, and may be compelled to appear against another.

An ACT *to prevent Duelling.*

Passed April 2d, 1803.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That any citizen of this state who shall hereafter give or accept a challenge to fight a duel, or shall

actually fight a duel, although no death enſue, and the ſecond or ſeconds of every perſon offending in the premiſes, ſhall be deemed and taken to be guilty of a high miſdemeanor againſt the people of this ſtate, and on conviction thereof, before any court of oyer and terminer and general gaol delivery, or the ſupreme court of this ſtate, ſhall, for every ſuch offence, be diſqualified from holding any office of honour, profit or truſt, and voting at any election within this ſtate, for the term of twenty years.

II. *And be it further enacted*, That any citizen of this ſtate who ſhall by word, writing or otherwiſe, requeſt or invite any perſon to meet him, with intent to fight a duel, and every citizen of this ſtate who ſhall meet with intent to fight a duel; and every per- 2
ſon knowingly being the bearer of any challenge or meſſage ſent with the intent aforeſaid, ſhall be deemed guilty of the ſaid offence, and on conviction thereof in either of the ſaid courts, ſhall be ſubject to the diſqualifications and puniſhment in manner aforeſaid.

III. *And be it further enacted*, That every offence againſt this 3
act committed without the limits of this ſtate, by a citizen thereof, ſhall and may be cognizable in the ſaid courts, in either of the counties of this ſtate, as if the ſaid offence had been committed within ſuch county.

IV. *And be it further enacted*, That any perſon offending againſt 4
this act ſhall be a competent witneſs againſt any other perſon offending in like manner, and may be compelled to appear and give evidence in ſaid court touching the premiſes, but ſhall not thereby be criminated himſelf.

V. *And be it further enacted*, That it ſhall be the duty of the 5
juſtices of the courts of oyer and terminer and general gaol delivery, and general ſeſſions of the peace, at every ſeſſion, to give in charge to the grand jury of the county in which either of the ſaid courts ſhall be held, to inquire of all offences committed againſt this act.

VI. *And be it further enacted*, That if any perſon not being a 6
citizen of this ſtate, ſhall be convicted in any of the ſaid courts of the aforeſaid offence againſt this act, he ſhall be fined and impriſoned at the diſcretion of the court having cognizance thereof, not exceeding five hundred dollars, as a fine, and ſeven years impriſonment in the ſtate priſon at hard labour.

Lands; Commiſſary of Military Stores; Arms, etc.

CHAP. LXXXVI.

Contents.

3. Arms and Military Stores, governor authorized to draw 12,500 dollars for the purchase or manufacturing of.
2. Commissary of Military Stores, his travelling expenses, &c. how allowed and paid.

1. Lands belonging to the state, attached to the arsenals and military stores that are not in use, surveyor-general authorized to lease under the directions of the governor.

An ACT *authorizing the Surveyor-General to lease certain Lands belonging to the People of this State, and for other Purposes.*

Passed April 4th, 1803.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall be lawful for the surveyor-general, with the consent and under the direction of the person administering the government of this state, to lease, for terms not exceeding seven years from the passing of this act, subject to such rents as may be obtained, such parts of the tracts or lots of land, belonging to the people aforesaid, contiguous to the arsenals or military stores within this state, as may not be necessary to remain at present attached to the same.

2 II. *And be it further enacted*, That the commissary of military stores, shall annually exhibit an account of his necessary travelling expenses, and of all other necessary expenses which he shall incur, by the direction of the person administering the government of this state, which accounts, if approved of by the person administering the government of this state, shall be paid in the same manner as other contingent expenses of said commissary's department.

3 III. *And be it further enacted*, That it shall be lawful for the person administering the government of this state, to draw from the treasury, on the warrant of the comptroller, such sum as he may deem necessary, not exceeding twelve thousand five hundred dollars, to be expended in the purchase or manufacturing of arms and military stores under his direction, for the use of the people of this state.

Militia.

CHAP. LXXXVII.

Contents.

12. Artillery, general and field officers, to be in proportion to their numbers.
13. ------ To be so disposed by the commander in chief as to conform to the organization established by the United States.
10. Blank Returns, adjutant-general, at the expense of the state, to furnish the brigadier-generals with.
1. Brigadier-Generals, to attend the annual reviews of the regiments and corps attached to their brigades.
2. ------ To give such orders as shall be best calculated to improve in military discipline.
3. ------ When to give notice to the major-general of the annual reviews.

5. Brigadier-General, when and how to make brigade returns.
11. ------- How to distribute the blank returns furnished them by the adjutant-general.
14. Brigade-Majors, certain monies appropriated to the payment of.
12. Cavalry, general and field officers, to be in proportion to their numbers.
13. ------- To be so disposed by the commander in chief as best to conform to the organization established by the United States.
7. Courts of Inquiry, commander in chief authorized to appoint.
8. ------- President of, may summon witnesses.---9. To report a state of the facts to the commander in chief.
15. Drums, Fifes, &c. certain monies appropriated to the purchase of.
16. Rank, commander in chief authorized to appoint boards of officers to ascertain.
4. Regiments and Battalions, officers commanding, when and how to make their returns.
6. Resignations, not to be considered as finally accepted until approved by the commander in chief.

An ACT *supplementary to an Act to amend an Act, entitled "An Act to organize the Militia of this State."*

Passed April 5th, 1803.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the brigadiers-general and 1
commandants of brigades shall attend the annual reviews and inspections of the different regiments and corps belonging to or attached to their respective brigades: And it shall be their duty to 2
give such orders from time to time as shall appear to them best calculated to introduce the system of military discipline established by law, and for improvement in military exercise and manœuvres: And that the brigadiers-general and commandants of 3
brigades, whenever by the orders of the commander in chief it shall be submitted to their discretion to appoint the days for the annual reviews and inspections of their brigades, shall give timely notice thereof to the major-general of the division, to the end that he may have an opportunity of reviewing a part of his division every year.

II. *And be it further enacted*, That officers commanding regi- 4
ments and battalions shall make returns in due form of their respective corps to the brigadier-general, or officers commanding brigades to which they belong, within one month after the annual review and inspection, together with a return stating the vacancies and other casualties in said corps respectively, and mentioning in said return the names of the persons who are entitled to
promotion in consequence of such vacancies: And the brigadier- 5
general, or officer commanding a brigade, shall, from such returns last mentioned, form a brigade return, and transmit the same to the commander in chief on or before the first day of February in every year, and shall annually, as soon after the annual

review and inspection as can conveniently be done, make a brigade return to the major-general of the division.

6 III. *And be it further enacted*, That no resignation of any commissioned officer, shall be considered as finally accepted, till approved of by the commander in chief.

7 IV. *And be it further enacted*, That when complaint is made by a commissioned officer, in writing, against any officer of the militia for improper conduct, which is degrading to the office which he holds, the commander in chief shall be authorized to appoint courts of inquiry, to consist of not less than three or more than five officers, to investigate the conduct of said officer or offi-
8 cers so complained of: and the president of said court shall have the same power to summons witnesses and administer oaths, that
9 presidents of courts martial have; and in such case the facts shall be by said president reported to the commander in chief.

10 V. *And be it further enacted*, That blank returns, in such form as the commander in chief shall direct, shall be furnished by the adjutant-general, at the expense of the state, to brigadiers-gen-
11 eral or commandants of brigades, to be by them distributed to their respective colonels or commandants of regiments, battalions, and commandants of companies within their brigades.

12 VI. *And be it further enacted*, That general and field officers to be appointed to the artillery and cavalry, shall be in proportion
13 as nearly as may be to the number they consist of; and that in arranging the militia the commander in chief shall so dispose of them as to conform the different corps as nearly as may be to the organization established by the United States, or which may be established: But nothing in this act contained is to affect the rank of officers heretofore appointed, although by such arrangements they should become supernumerary.

14 VI. *And be it further enacted*, That the monies ordered to be paid to the brigadier-general by the thirty-ninth section of said act hereby amended, shall be applied to pay the brigade-major,
15 and to furnish drums, fifes and other instruments of music, ordered by law to be used by the different corps within said brigade, where deficiences arise, for said purposes, to make up such deficiences after the monies are expended which are by law appropriated for said purposes, and the remainder shall be paid into the treasury of the state: That the monies heretofore raised by said thirty-ninth section, and not applied by said brigadiers-general, shall be appropriated as by this act is directed.

16 VIII. *And be it further enacted*, That it shall be lawful for the commander in chief, whenever he shall deem it necessary, by general orders, to direct the appointment of boards of officers, to ascertain rank.

Salt-Springs.

CHAP. XC.

Contents.

1. Superintendent, to give bond with sureties.
2. ------- To account with the comptroller.
3. ------- To take an oath.
4. ------- Office of, becoming vacant, may be filled by the governor.
5. ------- How to give certificates for salt.
6. ------- To make a return of out-standing certificates, &c.---7. And deliver the same to the comptroller.
8. ------- To advertise the holders of certificates to exhibit their certificates to him in a given time, &c.

An ACT *relative to the Salt-Springs in the County of Onondaga.*

Passed April 5th, 1803.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall not be lawful for 1
any superintendent of the salt-springs in the county of Onondaga, at any time after thirty days from and after the passing of this act, to exercise or take upon him the duties of the said office, unless such superintendent shall, together with two sufficient sureties, to be approved of by the comptroller, first have executed to the people of this state, and delivered to the said comptroller, a bond in the penal sum of five thousand dollars, conditioned for the faithful performance of the said duties of the said office; and to account with the said comptroller, for all money 2
or other property which he shall or may receive belonging to the people of this state; and shall also have taken and subscribed 3
an oath before any judge of any court of common pleas in this state, faithfully to do and perform the duties of his said office, and to account with the comptroller according to law, which said oath shall be delivered to the comptroller and by him filed in his office.

II. *And be it further enacted*, That if any superintendent shall 4
die, resign or refuse or neglect to give security agreeable to the directions of this act, and the council of appointment shall not then be in session, it shall in such case be the duty of the person administering the government of this state, to appoint a superintendent, and who shall upon his giving the like bond and taking the like oath, as is herein before mentioned, continue in the said office until the council of appointment shall make a new appointment.

III. *And be it further enacted*, That the said superintendent 5
shall not hereafter give a certificate for any salt, unless the barrels containing the same, shall be first marked with the owner's name and deposited in one of the public store-houses at the said salt-springs.

6 IV. *And be it further enacted*, That it ſhall be the duty of the ſuperintendent to examine the check certificate book of his office, and to make out therefrom a true return of the number of each out-ſtanding certificate, and the number of the barrels contained therein, with the diſtinguiſhing marks thereon, and the quantity and quality of the ſalt deſcribed in ſuch certificate, and ſhall alſo make a true return of the quantity of ſalt at the ſaid ſprings, and for which certificates have been heretofore given, and alſo the quantity of ſalt at the ſaid ſprings, belonging to the
7 people of this ſtate, which ſaid returns ſhall be delivered by the ſaid ſuperintendent to the comptroller on or before the firſt day of July next.

8 V. *And be it further enacted*, That the ſaid ſuperintendent ſhall give notice by an advertiſement to be publiſhed four weeks ſucceſſively in each of the newſpapers printed at Utica, in the county of Oneida, and at Canandarqua, in the county of Ontario, to all perſons holding certificates for ſalt by any ſuperintendent heretofore given, to exhibit the ſame to the ſaid ſuperintendent on or before the firſt day of January next, or that the ſalt therein mentioned will not thereafter be delivered, and it ſhall not be lawful for the ſaid ſuperintendent to deliver any ſalt upon any ſuch certificate, unleſs the ſame ſhall be exhibited to him on or before the ſaid firſt day of January; *And further*, If the ſalt mentioned in any ſuch certificate ſhall not have been depoſited in either of the public ſtore-houſes at the ſaid ſprings, it ſhall be the duty of the ſaid ſuperintendent to deliver the ſame ſalt deſcribed in ſuch certificate, and which has not been depoſited as aforeſaid, if the ſame can be found, and no ſtorage ſhall be charged for any ſalt which ſhall not have been depoſited in one of the ſaid ſtore-houſes.

Quit-Rents.

CHAP. XCVI.

An ACT *to revive the third Clause of an Act concerning Quit-Rents, passed April 8th*, 1801, *and extend the Time for the Remission and Commutation of certain Quit-Rents.*

Paſſed April 5th, 1803.

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the time limited by the third ſection of the act, entitled "An act concerning quit-rents, paſſed the eighth day of April, one thouſand eight hundred and one, for the remiſſion and commutation of quit-rents, in certain caſes therein mentioned," ſhall be and the ſame is hereby revived and extended to the firſt Tueſday of January next, upon the terms and conditions preſcribed in and by ſaid act: *Provided, however*, That on all ſuch patents as ſhall have been advertiſed

according to law, to be sold for arrears of quit-rent, the owner thereof shall pay his proportion of the cost of advertisement.

Deer.

CHAP. XCVII.

An ACT *to amend an Act, entitled, "An Act to prevent the Destruction of Deer," passed 15th March, 1798.*

Passed April 5th, 1803.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly,* That if any person or persons shall set any trap or traps, or set up any sharp stick or sticks, or spear or spears made of iron, out of or in any pit or pits, for the purpose of catching deer, or shall in the night time watch for the purpose of shooting deer, within the space or distance of thirty rods from any road or highway, such person or persons shall for every such offence forfeit the sum of twenty-five dollars.

II. *And be it further enacted,* That all the penalties incurred by this act, shall and may be recovered and applied in the same manner as the penalties in the act hereby amended are directed to be recovered and applied.

Wills.

CHAP. XCIX.

An ACT *to amend an Act, entitled "An Act to reduce the Laws concerning Wills into one Statute."*

Passed April 5th, 1803.

WHEREAS doubts have arisen with respect to the construction of certain parts of said act; for removal whereof,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That every will heretofore proved or which shall hereafter be proved, pursuant to the directions of said act, and shall have a certificate thereof indorsed thereon, signed by the clerk of the court in which the same shall have been so proved, with the seal of the said court thereunto annexed, as also the record of said will and the transcript of such record, under the hand of the clerk and the seal of the said court, shall without further proof, be as good and effectual in all cases as the original will would be if produced and proved.

Beef and Pork.

CHAP. CI.

Contents.

18. Barrels and half-barrels for beef, of what timber, and of what capacity to be made.
26. ------- For pork, of what timber, and of what capacity to be made.
37. ------- On Long-Island, may be made of black-oak staves.
1. Beef or Pork, not to be exported from the state, except put up in conformity to this act.
42. ------- All former laws respecting the inspection of, repealed after the 15th September next, except as to the recovery of penalties previously incurred.
7. Beef for exportation, to be of fat cattle, not under three years old.
8. ------- How to be cut up.---9. How assorted.
10. ------- Mess, of what to consist.---11, 19. How branded.
12. ------- Prime of what to consist.---13, 19. How branded.
14. ------- Cargo, of what to consist.---15, 19. How branded.
16. ------- How to be salted.
17. ------- Fourth quality of, how denominated, marked, &c.
20. ------- Killed according to the Jewish custom, how packed and branded.
38. ------- In certain counties, may be salted with Onondaga salt.
39. ------- Rounds of, in kegs and tubs, may be exported as usual.
40. ------- Brought into this state from any of the United States, may be exported without re-inspection, if properly inspected in the state it came from.
2. Inspectors, one or more to be appointed in each city and county.
3. ------- One in New-York, for inspecting beef killed according to the rites of the Jews.
4. ------- To enter into bonds.---5. To take an oath.
6. ------- To make annual returns to the governor in June.
23. ------- Their compensation by whom paid.
24. ------- Penalty on, for malconduct.
43. ------- Prohibited from buying or selling beef or pork, other than remnants, except for the use of their families.
21. Penalty, on inspectors for inspecting out of the cities or counties for which they were appointed.
22. ------- On persons not inspectors, for branding.
24. ------- On inspectors for malconduct.
25. ------- On persons for intermixing or shifting beef or pork after inspection.
41. ------- How recovered and applied.
27. Pork to be distinguished into three qualities.
28. ------- Mess, of what pieces to consist.----19, 29. How branded.
30. ------- Prime, of what pieces to consist.---19, 31. How branded.
32. ------- Cargo, of what pieces to consist.---19, 33. How branded.
34. ------- Half barrels of, what to contain.
35. ------- How to be cut up.---36. How to be salted.
38. ------- In certain counties, may be salted with Onondaga salt.
40. ------- Brought into this state from any of the United States, may be exported without re-inspection, if properly inspected in the state it came from.

An ACT *to regulate the Curing, Packing and Inspection of Beef and Pork, to be exported from the State of New-York.*

Passed April 6th, 1803.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That from and after the fifteenth day of September next, no person or persons whatsoever, shall ship or export from this state, any beef or pork, except in barrels or half-barrels, of the quality and dimensions herein after provided, and the contents thereof inspected and packed, and the casks containing the same are branded agreeable to the directions of this act. 1

II. *And be it further enacted*, That there shall be one or more inspectors of beef and pork in each city and county in the state, and also one inspector for the city of New-York, to inspect, pack and put up beef killed agreeable to the rites and customs of the people called Jews: And it shall be lawful for the person administering the government of this state, by and with the advice and consent of the council of appointment, to make such appointment, and the persons so appointed shall hold their offices during the pleasure of the said council. 2 3

III. *And be it further enacted*, That the inspectors to be appointed for the cities and counties as aforesaid, shall also before they or either of them enter on the duties of his or their office, respectively give bonds, with sufficient surety, to the clerk of such city or county, for which he or they shall be so appointed, for the use of the people of this state, in the penal sum of twenty-five dollars, with condition for the faithful performance of their duty: And every inspector appointed by virtue of this act, shall before he enters upon the duties of his office, take and subscribe the following oath, before a mayor, recorder, alderman or some justice of the peace of the county where he shall reside, and lodge the same in the office of the clerk of such county: "I ——— do solemnly swear, that I will faithfully, truly and impartially, according to the best of my judgment, skill and understanding, execute the office and duty of an inspector and packer and repacker of beef and pork, according to the true intent and meaning of this act; and that I will not directly or indirectly brand or suffer to be branded, any casks of beef or pork, but what shall be sound and good:" That the inspector of each city and county, in the month of June in every year, shall make a return to the person administering the government of this state, of the whole number of barrels and half-barrels of beef and pork, inspected according to the directions of this act, by him the year preceding, designating the different sorts of beef and pork, and the cities and counties in which the same was packed and inspected. 4 5 6

IV. *And be it further enacted*, That no beef which shall be killed after the fifteenth day of September next shall be packed or repacked in barrels or half-barrels, for exportation, unless it be of fat cattle, not under three years old; and that all such beef shall 7 8

be cut in square pieces, as nearly as may be, not exceeding twelve
9 pounds weight nor less than four pounds weight: that all beef which city or county inspectors shall find on examination to have been killed at a proper age to be fat and merchantable, shall be sorted and divided in three different sorts for packing and repacking, in barrels and half-barrels, to be denominated mess, prime,
10 and cargo. Mess beef shall consist of the choicest pieces of oxen, cows or steers, well fatted; the shin, shoulder, clod and neck shall be taken from the fore quarter, and the legs and leg round from
11 the hind quarters; and each barrel or half-barrel containing beef of this description, shall be branded on one of the heads with the
12 words, mess beef: prime beef shall consist of choice pieces of oxen, steers, cows and heifers; amongst which there shall not be more than half a neck and one shank, with the hock cut off, and
13 one of the heads of all barrels or half-barrels containing beef of this description shall be branded with the words, prime beef: that
14 cargo beef shall consist of fat cattle of all descriptions, of three years old and upwards, with not more than half a neck and three shanks without the hocks, in each barrel or half-barrel in propor-
15 tion; and to be otherwise merchantable, shall be branded on one
16 of the heads with the words, cargo beef: and every barrel of beef shall be well salted, with seventy-five pounds of clean St. Ubes, Isle of May, Lisbon, or Turks Island salt, or other salt of equal quality, except in such places as is hereafter reserved, exclusive of a pickle made as strong as salt will make it; and to each barrel of beef shall be added four ounces of salt-petre; and each half-barrel of beef shall be salted with one half of the quantity and of the same quality of salt above mentioned, and two ounces of salt-
17 petre: *And further*, That it shall be lawful to put up and export from this state a fourth quality of beef, to be denominated and marked heads, hearts and hocks, to consist of necks, hearts, and the meat of heads, which fourth quality shall be subject to the like management and inspection as the other qualities of beef are hereby made subject to.

18 V. *And be it further enacted*, That from and after the fifteenth day of September next, every barrel and half-barrel in which beef shall be packed or repacked shall be made of good seasoned white-oak or white-ash staves and heading, free from every defect; and each barrel shall contain two hundred pounds weight of beef, the barrels to measure sixteen inches and a half between the chines, and to be twenty-eight inches long; to be hooped with twelve good hickory or white-oak hoops, if of ash or other timber, fourteen; the heads to be made of good thick stuff, the hoops to be well set and drove, the half-barrels to contain not less than fifteen nor more than sixteen gallons, and hooped in the same manner as the whole barrels, and to contain one half the quantity of beef as the whole barrels.

19 VI. *And be it further enacted*, That one head of every barrel or half-barrel in which beef or pork is packed or repacked for exportation, shall be branded the weight it contains, with the first

letter of the christian name, and the sir-name, or both names at full length, of the inspector who has inspected the same, with the name of the city or county where it was inspected, in legible letters; also, the addition of New-York. *Provided always*, That all 20
beef killed according to the rites and customs of the people called Jews, shall be repacked and put up according to the directions of this act, and shall be branded with the additional brand of that society.

VII. *And be it further enacted*, That no inspector appointed by 21
virtue of this act, shall inspect or brand any cask of beef or pork out of the city or county for which he shall be appointed, under the penalty of twenty-five dollars: And if any person other than 22
the said inspectors shall brand any cask of beef or pork in the manner directed by this act, every person so offending shall forfeit the sum of one dollar for each and every cask so branded.

VIII. *And be it further enacted*, That every inspector shall have 23
twenty cents for each barrel, and twelve cents for each half-barrel of beef and pork he shall salt, pack, inspect and pickle, exclusive of cooperage; all which salting, packing, inspecting and pickling shall be paid by the owner.

IX. *And be it further enacted*, That if either of the inspectors 24
appointed by virtue of this act shall be guilty of any neglect or fraud in inspecting any beef or pork, contrary to the true intent and meaning of this act, or shall brand any cask containing beef or pork which has not been actually inspected agreeable to this act, he or they shall for every such offence forfeit and pay the sum of two dollars.

X. *And be it further enacted*, That if any person shall intermix, 25
take out or shift any beef or pork out of any cask inspected or branded as by this act is required, or put in any other beef or pork for sale or exportation, contrary to the intention of this act, the person or persons so offending shall for each and every such offence forfeit and pay the sum of ten dollars.

XI. *And be it further enacted*, That from and after the fifteenth 26
day of September next, every barrel and half-barrel in which pork shall be packed or repacked shall be made of good seasoned white-oak or white ash staves and heading, free from every defect; and each barrel shall contain two hundred pounds weight of pork, and shall not be of less gauge than thirty nor more than thirty-one gallons; and each half-barrel shall contain one hundred weight of pork, and shall not be of less gauge than fifteen nor more than sixteen gallons, and that said barrels and half-barrels shall in every respect be hooped and made in the same manner as is in this act provided for barrels and half-barrels for packing and repacking of beef.

XII. *And be it further enacted*, That there shall be three quali- 27
ties of pork known and distinguished by the names of mess, prime and cargo pork; mess pork to consist of the rib pieces of good fat 28
hogs only; barrels or half-barrels containing such pork shall be 29
branded on one of the heads mess pork: prime pork to consist of 30

the next beſt pieces with not more than three ſhoulders in one barrel, which ſhall contain no legs, nor more than twenty-four pounds of head, that ſhall have the ears cut off, and the ſnouts
31 above the tuſks, and the brains and bloody grizzle taken from out of the heads; and one of the heads of every ſuch caſk ſhall be
32 branded prime pork: And the third quality of pork ſhall be denominated cargo pork, in which there ſhall not be more in one barrel than four ſhoulders without the legs, as aforeſaid, and not more than two heads, with the ears and ſnouts cut off, and brains and bloody grizzle taken out as aforeſaid which heads ſhall not exceed thirty pounds weight, and ſhall be otherwiſe fat, merchant-
33 able pork, and ſhall be branded on one head of each ſuch barrel
34 cargo pork; and every half-barrel of meſs, prime or cargo pork ſhall contain one half of the quantity of the different kinds and qual-
35 ities of pork of a whole barrel; Pork ſo to be packed ſhall be cut in pieces as nearly ſquare as may be: *Provided*, That no pieces of pork ſhall in weight exceed twenty nor be under four pounds
36 weight, and that each barrel and half-barrel of pork ſhall be ſalted and pickled with the ſame weight and quality of ſalt and the ſame kind of pickle as is in this act provided for packing and inſpecting of beef; and that each barrel and half-barrel of pork, when ſo inſpected and packed, ſhall be branded in the ſame manner as is in this act provided for branding of beef, deſignating the differ-
37 ent qualities or denominations herein deſcribed: *Provided nevertheless*, That it ſhall and may be lawful for the inhabitants of Long-Iſland, to make uſe of red and black-oak ſtaves and heading, free from ſap, of the growth of ſaid iſland, any thing herein contained to the contrary notwithſtanding.

38 XIII. *And be it further enacted*, That the ſalt manufactured in the counties of Onondaga and Cayuga, may be uſed in the packing and putting up of beef and pork in the counties of Herkimer, Oneida, Tioga, Cayuga, Onondaga, Ontario, Steuben, Chenango, Otſego, Geneſee and St. Lawrence, any thing in this act contained to the contrary notwithſtanding.

39 XIV. *And be it further enacted*, That nothing in this act ſhall prevent the exportation of rounds of beef in kegs or tubs as is now practiſed.

40 XV. *And be it further enacted*, That all beef and pork that ſhall be brought into this ſtate from any of the United States, and ſhall be packed and branded agreeable to the laws of the ſtate it comes from, ſhall not be ſubject to re-inſpection in this ſtate, but may be ſold in and ſhipped from this ſtate: *Provided always*, That ſuch beef or pork comes accompanied with a certificate on oath from the proper officer of ſuch ſtate, or a magiſtrate of ſuch town, from which ſuch beef and pork may be ſhipped for this ſtate, certifying that ſuch beef or pork is in every reſpect packed and branded agreeable to the laws of ſuch ſtate.

41 XVI. *And be it further enacted*, That every of the forfeitures and penalties aforeſaid may be recovered with coſts of ſuit, before any juſtice of the peace, or in any court having cognizance there-

of, by any person who will sue and prosecute for the same, one moiety of which said forfeitures and penalties when recovered shall be paid to the overseers of the poor of the city or town where the offence shall be committed, for the use of the poor thereof, and the other moiety thereof to such person as will sue for the same as aforesaid.

XVII. *And be it further enacted*, That from and after the fifteenth day of September next, all former laws, so far as they respect the inspection of beef and pork, be and are hereby repealed: *Provided nevertheless*, That they shall be considered as in full force with regard to all actions and prosecutions which may then be depending for any penalty or forfeiture incurred for the breach of the same. 42

XVIII. *And be it further enacted*, That no inspector or repacker of beef and pork, shall hereafter under any pretence whatever, buy or sell any beef or pork, excepting remnants which may be occasioned by the barrels over running or falling short of the weight required by law, except what such inspector may want for his own family consumption. 43

Supply-Bill.

CHAP. CIII.

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20. Officers of Government, additional allowance to.
30. Parkhurst, J. and J. Hathaway directed to pay into the treasury certain taxes in their hands.

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TREASURER TO PAY, ON THE WA[illegible] [illegible]OLLER, AS FOLLOWS, VIZ. [illegible]

2. C[illegible] to [illegible] for their attendance.
11. C[illegible] [illegible] dollars, [illegible] making an index.---12. And a [illegible] not exce[illegible] to defray the expense of pub[illegible] lishing a certa[illegible].
21. ------ Of [illegible] [illegible] [illegible]xes.
28. Colt, [illegible] and [illegible] for monies expended in [illegible]
14. C[illegible] of letters.
22. ------ [illegible] pay [illegible] [illegible] eneca Indians.
35. ------ In a[illegible] [illegible] y 500 [illegible]lls. per annum.
29. Cornwall, [illegible] in defending a suit in ejectment.
13. Council of [illegible] [illegible] rs for attendance during the recess of the le[illegible]ture.
3. Governor, to defray incidental expenses of administering government.
6. Hogeboom, Killian, 76.74 dolls. w[illegible]h interest, for orders on G. Bancker.
9. Legislature, members and [illegible] the like as at the last session.
10. Messenger and Door-Kee[illegible], to [illegible]ouncil of revision and council of appointment, for [illegible]r services.
15. M'Lean, John, 32.20 dolls. for [illegible]es expended as commissary of military stores.---16. [illegible] certain sum for monies erroneously paid for taxes.
17. Private Secretary to the governor, his salary.
37. Rent and Taxes on the house occupied by the governor.
19. Secretary, 43.75 dolls. for laws by him purchased for the state.
4. State Printer, for printing.---5. At what rate per sheet.
1. Surveyor-General 1250 dolls. for his salary.
40. Witnesses, allowance to, regulated.

An ACT *for the Payment of certain Officers of Government, and for other Purposes.*

Passed April 6th, 1803.

1 I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the treasurer of this state shall, on the warrant of the c[illegible]ller, on or before the first day of July next, pay [illegible] on [illegible] Witt, surveyor-general of this state, the sum of one [illegible]ular [illegible]o hundred and fifty dollars, for his services in his said [illegible]ce fr[illegible] the first day of July last, to the first day of July next.

2 II. *And be it further enacted*, That the treasurer shall pay, on the warrant of the comptroller, to such of the clergy as shall have attended the legislature as ch[illegible] during the present session, the sum of two dollars and fifty c[illegible]ts for every day they have so attended, which sum shall be ce[illegible]fied by the president of the senate or the speaker of the assembly.

3 III. *And be it further enacted*, Th[illegible] it shall be lawful for the treasurer, on the warrant of the c[illegible]troller, to pay to the person administering the government o[illegible] this [illegible] fray the incidental expenses which may arise in and au[illegible]ministering

the government of this ſtate, ſuch ſum or ſums of money as he ſhall require, not exceeding the ſum of ſeven hundred and fifty dollars.

IV. *And be it further enacted*, That the treaſurer be and he is 4
hereby required to pay to John Barber, printer to this ſtate, ſuch ſum or ſums of money as ſhall be certified by the comptroller to be due to him, for printing the laws and journals of the preſent ſeſſion of the legiſlature, at and after the rate of ten dollars per 5
ſheet for every ſheet of ſix hundred copies; and alſo the further ſum of five dollars per ſheet for reprinting two hundred copies of the journals of ſenate and aſſembly, of which only four hundred copies were printed previous to the paſſing the concurrent reſolution for augmenting the number; and alſo for extra printing at the rate of four dollars for every ſheet of one hundred and fifty copies.

V. *And be it further enacted*, That the treaſurer pay to Killian 6
Hogeboom, on the warrant of the comptroller, which warrant the comptroller is hereby directed to give, the ſum of ſeventy-eight dollars and ninety-four cents, being the amount of balance remaining due and unpaid for a number of orders in poſſeſſion of the ſaid Killian Hogeboom, executed by ſeveral of the levies who rendered ſervices during the revolutionary war, on Gerard Bancker, formerly treaſurer, for balances of pay due them, which orders appear to have been in conformity to the directions of the law relative to unclaimed certificates in the treaſury; which ſum, together with intereſt, after the rate of five per cent per annum thereon, from the ſeventh day of March, one thouſand ſeven hundred and eighty, to the ſeventh day of March, one thouſand ſeven hundred and ninety-three, ſhall be paid out of any monies in the treaſury not otherwiſe appropriated, in extinguiſhment of all his claims on that account.

VI. *And be it further enacted*, That it ſhall be lawful for the 7
proprietors of the lots in the military tract out of each of which fifty acres are liable to be ſold for the defraying the expenſes of the ſurveys thereof, to pay to the treaſurer of this ſtate, on or before the firſt day of January next, the ſum of ſix dollars for each lot in diſcharge of ſuch expenſe of ſurvey; and if the ſaid ſum 8
of ſix dollars ſhall not be paid on any lot or lots on or before ſuch day, it ſhall be the duty of the ſurveyor-general to ſell at public vendue fifty acres out of either of the corners of ſuch lots, and to pay the monies ariſing from ſuch ſales into the treaſury, and the ſurveyor-general ſhall cauſe this enacting clauſe, together with the time and place of ſuch ſales, to be previouſly publiſhed for the term of eight weeks in the newſpaper printed by the printer to this ſtate.

VII. *And be it further enacted*, That the treaſurer ſhall, on the 9
warrant of the comptroller, pay to the preſident of the ſenate, the ſpeaker of the aſſembly, and the members and attendant officers of the ſenate and aſſembly, the like ſums reſpectively for each day's attendance and travelling at the preſent ſeſſion that were allowed to them reſpectively the laſt ſeſſion.

10 VIII. *And be it further enacted*, That the treaſurer ſhall pay to the meſſenger and door-keeper of the council of reviſion and council of appointment, the like compenſation per day as is allowed to the door-keeper of the ſenate and aſſembly.

11 IX. *And be it further enacted*, That the treaſurer ſhall, on the warrant of the comptroller, pay to the clerk of aſſembly the ſum of thirty dollars, for making an index to the journal of the aſſem-
12 bly of the preſent ſeſſion, and alſo a ſum not exceeding twenty-five dollars for defraying the expenſe of advertiſing the act, entitled "An act concerning the ſupreme court."

13 X. *And be it further enacted*, That the members of the council of appointment ſhall, for their attendance during the receſs of the legiſlature, be entitled to receive the ſame allowance per day, and for travelling, as is allowed to the members of the legiſlature.

14 XI. *And be it further enacted*, That the treaſurer ſhall pay to Eliſha Jenkins, comptroller, the ſum of ſeventy-eight dollars and thirteen cents, in full for the poſtage of letters relating to the office of comptroller, from the tenth day of Auguſt, one thouſand eight hundred and one, to the thirtieth day of March, one thouſand eight hundred and three.

15 XII. *And be it further enacted*, That the treaſurer pay, on the warrant of the comptroller, to John M'Lean, commiſſary of military ſtores, the ſum of thirty-two dollars and twenty cents, for monies by him the ſaid commiſſary expended in the diſcharge of the duties of his office, and for which no proviſion by law exiſts for
16 the payment; and alſo to the ſaid John M'Lean the ſum of ſeventeen dollars and twenty-ſix cents, which ſum was by miſtake twice paid into the treaſury for taxes, once by the ſaid John M'Lean and once by Robert R. Burnet.

17 XIII. *And be it further enacted*, That the treaſurer, on the warrant of the comptroller, ſhall pay to the private ſecretary of the perſon adminiſtering the government of this ſtate the like additional ſum for his ſervices from the firſt day of July laſt to the firſt day of July next, as was allowed to him the preceding year.

18 XIV. *And be it further enacted*, That it ſhall be lawful for the comptroller, to place at intereſt for a term not exceeding two years, on good real ſecurity, all ſuch monies as are now or ſhall be received into the treaſury for the uſe of common ſchools, from the proceeds of lotteries, agreeably to the act, entitled "An act for the encouragement of literature."

19 XV. *And be it further enacted*, That the treaſurer of this ſtate, ſhall on the warrant of the comptroller, pay to Thomas Tillotſon, ſecretary of this ſtate, the ſum of forty-three dollars and ſeventy-five cents, for ſeventy copies of the laws paſſed at the laſt ſeſſion of the legiſlature, agreeably to the directions contained in a concurrent reſolution of the two houſes at their preſent ſeſſion.

20 XVI. *And be it further enacted*, That from the firſt day of July laſt to the firſt day of July next, there ſhall be allowed to the ſeveral officers of government, in addition to the annual ſalaries now allowed to them and each of them reſpectively, in and by the act,

entitled "An act for the support of government," passed April seventh, one thousand eight hundred and one, the following sums, to wit: To the chancellor the sum of five hundred dollars, to the chief justice the like sum, and to each of the other judges of the supreme court the sum of six hundred and twenty-five dollars.

XVII. *And be it further enacted*, That the treasurer shall on the 21
warrant of the comptroller, pay to the clerk of the senate the sum of twenty dollars, for making an index to the journal of the senate of the last session, with the like sum of twenty dollars for making an index to the journal of the senate of the present session of the legislature.

XVIII. *And be it further enacted*, That the treasurer shall pay 22
to the comptroller a sum not exceeding five thousand three hundred dollars, to enable him to fulfil the stipulations made by his excellency the governor, on behalf of this state, with the Seneca nation of Indians, in the treaty made the twentieth day of August last, and the expenses and stipulations of the treaty made with the Oneida tribe of Indians in June last, together with such interest as may have arisen thereupon.

XIX. *And be it further enacted*, That no attorney or counsel in 23
any cause shall be allowed any compensation as witness in any cause in which he shall be either attorney or counsel.

XX. *And be it further enacted*, That the supervisors of the city 24
and county of Albany, shall in the course of the present year, direct to be raised by a tax, on the freeholders and inhabitants of the said city and county, in the manner prescribed by law, the sum of four hundred and forty-six dollars and forty three cents; and that the treasurer of the said county shall pay the same to David De Long, Solomon Russell and John Moak, the commissioners of highways for the town of Bethlehem, in the said county, to be applied towards defraying the expenses of erecting a new bridge across the Norman's kill, on the road leading from the city of Albany southward into the said town.

XXI. *And be it further enacted*, That in case the freeholders 25
and inhabitants of the said town of Bethlehem, shall at their next annual town-meeting, declare it to be necessary, it shall be lawful for the said supervisors to direct the further sum of three hundred dollars, to be raised in like manner by a tax on the freeholders and inhabitants of the said town, to be applied to such purposes as the said freeholders and inhabitants shall at their town-meeting order and direct.

And whereas, John Jay and Augustus Van Cortland have by 26
their communication to the legislature, that David Fowler, executed to Anne Chambers, a mortgage on a farm at Eastchester, to secure the payment of a bond therein mentioned, which said farm became the property of Joseph Gidney, and was afterwards sold by the commissioners of forfeitures to Stephen Ward, esquire; and that the said Stephen Ward, esquire, purchased the said mortgage of the said John Jay and Augustus Van Cortland, executors of the said Anne Chambers, for the considera-

tion of five hundred and forty-four pounds nineteen shillings and two pence; that the said executors have since satisfied themselves, that the money due on the said bond and mortgage, was paid to their testatrix in her life time; wherefore having erroneously received the said money, they hold themselves liable to pay the same to the representatives of the said Stephen Ward: *And whereas*, It is suggested that the said money belongs to the people of this state: Therefore,

XXII. *Be it further enacted*, That the comptroller is hereby authorized and required, to ascertain whether the people of this state are entitled to the said money, and if he shall find that the said monies do belong to the people of this state, then in case the said John Jay and Augustus Van Cortland, shall pay the amount of the money received by them of the said Stephen Ward, with the interest thereon, into the treasury of this state, as well the said John Jay and Augustus Van Cortland, as their representatives and the representatives of the said Anne Chambers, shall be kept indemnified and saved harmless of and from all demands at any time, hereafter to be made on them or either or any of them, by the representatives of the said Stephen Ward, deceased.

28 XXIII. *And be it further enacted*, That the treasurer pay, on the warrant of the comptroller, unto Peter Colt and Nathan Sage, commissioners appointed by the act, entitled "An act relative to the unappropriated lands of this state, to prevent intrusions and for other purposes," for opening and improving the roads therein mentioned, six hundred and fifty-four dollars and two cents, for which sum the comptroller in auditing their accounts, has certified they have made themselves responsible by contracts, made by them for opening and improving the said roads over and above the sum appropriated for that purpose, the remainder having been paid by him to the county of Oneida, for county and town charges.

29 XXIV. *And be it further enacted*, That the treasurer of this state shall, on the warrant of the comptroller, pay to Lewis Cornwall the sum of four hundred fifteen dollars and forty cents, for his taxable costs and counsel fees in and about the defence of a suit in ejectment lately commenced against him for the recovery of lands sold by the commissioners of forfeitures of the southern district of this state, and which became forfeited by the attainder of David Colden of Queens county.

And whereas, Jonathan Parkhurst, collector of taxes for the town of Mexico, in the county of Oneida, in the year one thousand eight hundred collected two hundred and eighty-five dollars and ninety cents, which sum was not paid to the county treasurer by the time limited by law, two hundred dollars of which is in the hands of the said Jonathan Parkhurst, and the remainder in the hands of the said treasurer, for the recovery of which the said Jonathan has brought a suit: *And whereas*, It is represented that the said

ſum of two hundred and eighty-five dollars and ninety cents has been re-aſſeſſed: Therefore,

XXV. *Be it further enacted*, That the ſaid Jonathan Parkhurſt 30
and Joſhua Hatheway be and they are hereby required to pay into the treaſury of this ſtate, within ſix months from the time of paſſing of this act, the ſums remaining in their hands reſpectively as aforeſaid; and in caſe of their neglect ſo to do, the comptroller 31
is hereby directed to cauſe ſuits to be inſtituted for the collection of the ſaid monies, as for monies received to and for the uſe of the people of this ſtate.

XXVI. *And be it further enacted*, That upon his the ſaid Jon- 32
athan Parkhurſt paying into the treaſury the monies ſo remaining in his hands as aforeſaid, and producing to the comptroller ſatisfactory evidence of his having diſcontinued the ſaid ſuit againſt the ſaid Joſhua Hatheway, and paid him his legal coſts accrued in the defence of the ſame, the comptroller ſhall draw his warrant on the treaſurer in favour of the ſaid Jonathan Parkhurſt for the ſum of one hundred dollars, which ſum ſhall be deemed a full ſatisfaction of the ſums heretofore granted to the ſaid Jonathan, and the acts for his relief paſſed the fourth of April, one thouſand eight hundred, and the eighth day of April, one thouſand eight hundred and one, ſhall and are hereby, ſo far as relates to him the ſaid Jonathan, and to the payment of monies to certain perſons therein mentioned, be repealed.

XXVII. *And be it further enacted*, That whenever it ſhall ap- 33
pear to the comptroller that the ſaid ſums have been re-aſſeſſed, collected and paid into the treaſury, it ſhall then be his duty to draw his warrant on the treaſurer in favour of the perſons of whom the ſaid Jonathan Parkhurſt collected the ſaid ſums of two hundred and eighty-five dollars and ninety cents, for their reſpective proportions of the ſums to be paid into the treaſury by the ſaid Jonathan Parkhurſt and Joſhua Hatheway, in purſuance of this act.

XXVIII. *And be it further enacted*, That the notice to be given 34
of the ſale of any real eſtate, for arrearages of taxes, ſhall be publiſhed in the manner preſcribed by the eighteenth ſection of the act, entitled "An act for the aſſeſſment and collection of taxes," paſſed the eighth day of April, one thouſand eight hundred and one, for the ſpace of three months, and no longer; and that five hun- 35
dred dollars be hereafter paid to the comptroller annually, in quarterly payments, by the treaſurer of this ſtate, on the warrant of the comptroller, ſo long as the above mentioned act continues in force, in conſequence of the increaſed duties of the comptroller under that act, to be computed from the firſt day of January laſt.

XXIX. *And be it further enacted*, That the committee to ex- 36
amine the accounts of the treaſurer be ſeverally allowed at and after the rate of three dollars per day, for every day they ſhall be employed in that buſineſs.

XXX. *And be it further enacted*, That the treaſurer ſhall pay, 37
on the warrant of the comptroller, the amount of the rent ſtipu-

lated to be paid for the houſe occupied by his excellency the governor for the current year, and the taxes thereon.

38 XXXI. *And be it further enacted*, That whenſoever the comptroller of this ſtate ſhall aſcertain to his ſatisfaction, that any perſon or perſons who have been or ſhall be intruſted with, or who have received or ſhall receive any monies belonging to this ſtate, and who ſhall neglect or refuſe to pay the balance due from him or them when thereunto required, that then it ſhall be lawful for the comptroller, and he is hereby required to give information
39 thereof to the attorney-general, who ſhall cauſe the ſame to be proſecuted and recovered, any thing in the act, entitled "An act relative to the office and duties of the comptroller of this ſtate," to the contrary notwithſtanding.

40 XXXII. *And be it further enacted*, That hereafter each perſon ſerved with proceſs to teſtify in any court of record within this ſtate ſhall be entitled to receive as a compenſation for his attendance and expenſes, of ſuch court, the daily allowance ſpecified in the act regulating the fees of the ſeveral officers and miniſters of juſtice within this ſtate; and if any perſon being ſubpœned, upon being tendered with the amount of the ſaid allowance, eſtimating each day's travelling to, attending at, and returning from ſuch court, computing thirty miles to a day's travelling, and including one day's attendance only, ſhall not thereupon appear according to the tenor of the ſaid proceſs, without a lawful and reaſonable excuſe, ſhall incur the liability and penalty ſpecified in the twentieth ſection of the act, entitled "An act for the amendment of the law and the better advancement of juſtice."

XXXIII. *And be it further enacted*, That ſo much of the ſeveral ſtatutes, heretofore paſſed, as relate to witneſſes fees and their reaſonable expenſes, to be allowed in any court of record within this ſtate, and the firſt proviſo in the fourth ſection of the act, entitled "An act to reduce certain laws concerning coſts into one ſtatute," are hereby repealed.

Oneida Indians.

CHAP. CIV.

An ACT *for ſupplying the Oneida Indians with Corn.*

Paſſed April 6th, 1803.

WHEREAS it is repreſented by the Oneida nation of Indians, that their crops of corn were cut off the laſt year; and that they have no means to purchaſe that neceſſary article, unleſs by monies from their annuity, which will become due in June next: Therefore,

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it ſhall and may be lawful for his excellency the governor, on the application of the ſaid Oneida

nation of Indians, from time to time and as often as he shall judge it necessary, to take such measures as he may deem proper for supplying the said Indians with corn, and for that purpose may draw his warrant on the treasurer for a sum not exceeding one thousand dollars, to be charged to the said Indians by the comptroller, and deducted from their annuity to be paid them in June next.

Onondaga Commissioners.

CHAP. CVIII.

Contents.

4. Clerk to the Commissioners, how appointed---his duty and compensation.
6, 8. ------ Of Cayuga county, his duty with regard to certain deposits and records in his office.
10. ------- Of Montgomery county, directed to deliver a certain book in his office to the clerk of Cayuga county.
1. Commissioners, their powers, renewed to continue to the 1st April, 1804.
2. ------- To receive compensation for no longer time than three months.---3. Their compensation.
5. ------- When and where to hold a meeting.
7. ------- What their duty, if the clerk of Cayuga refuse to attend with records.
9. ------- To deposit their papers in the clerk's office of Cayuga county, when the term of the renewal of their powers is expired.

An ACT *to revive the Powers of the Commissioners heretofore appointed to settle Disputes concerning the Titles to Lands in the County of Onondaga.*

Passed April 6th, 1803.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the period limited by the last section of the act, entitled "An act to settle disputes concerning the titles to lands in the county of Onondaga," shall be and is hereby further extended until the first day of April, one thousand eight hundred and four: *Provided nevertheless*, That the commissioners appointed by and in pursuance of the said act, shall not be allowed any compensation for any time beyond three months, for services during the said period; which compensation shall be at the rate of three dollars per day to each of the said commissioners.

II. *And be it further enacted*, That the said commissioners shall be and hereby are authorized to appoint a clerk, whose duty it shall be to keep the minutes of the board, and to complete such awards as shall be from time to time given to him by the said commissioners; and that the said clerk shall be allowed such compen-

ſation for his ſervices as was allowed by law to the clerk heretofore appointed.

5 III. *And be it further enacted*, That the ſaid commiſſioners ſhall hold a meeting at the city of Albany, to commence on the third
6 Tueſday in November next, and that it ſhall be the duty of the clerk of Cayuga to attend ſuch meeting, with the depoſits and records of the late county of Onondaga now remaining with him, unleſs he ſhall, on or before the firſt day of September next, give notice in writing to the ſaid commiſſioners, or one of them,
7 that he declines doing the ſame, in which caſe the ſaid commiſſioners, or any two of them, ſhall be and hereby are authorized to nominate and appoint ſome fit and proper perſon to receive the
8 ſaid depoſits and papers from the ſaid clerk; and the ſaid clerk ſhall deliver over the ſaid depoſits and papers, and all books relating to the ſame, to the perſon ſo to be appointed; and the ſaid depoſits, papers and books, when ſo delivered, ſhall be and remain with the perſon ſo authorized, or with ſuch perſon or perſons as ſhall be named for ſuch purpoſe by the ſaid commiſſioners, or any two of them.

9 IV. *And be it further enacted*, That the ſaid commiſſioners ſhall, at the expiration of the ſaid period, depoſit all the books, writings and papers in the office of the clerk of the county of
10 Cayuga, which ſhall relate to the duties of their office: And it ſhall be the duty of the clerk of the county of Montgomery to deliver to the clerk of the county of Cayuga the book filed in the office of the clerk of the county of Montgomery, in purſuance of the fifth ſection of an act, entitled "An act to appropriate the lands ſet apart to the uſe of the troops of the line of this ſtate lately ſerving in the army of the United States, and for other purpoſes therein mentioned," paſſed the twenty-eighth day of February, one thouſand ſeven hundred and eighty-nine.

Boundary Line, etc.

CHAP. CIX.

Contents.

1. Boundary Line between Dutchess and Westchester, how to be run and established.
2. ------- Running of, not to affect any title to lands, &c.
3. ------- Costs of running, by whom borne.
4. Cayuga county, prisoners of, may be confined in Ontario gaol.
5. ------ Treasurer of, to pay the treasurer of Ontario for the use of the gaol.
6. ------- So much of a certain section of a certain act as relates to the gaol of, repealed.
7. ------- To be at the expense of repairing breaches made in Ontario gaol by its prisoners.

An ACT *to establish the Boundary Line between the County of Dutchess and the County of Westchester, and for other Purposes.*

Passed April 6th, 1803.

WHEREAS disputes and difficulties have arisen relative to the northeast bounds of the county of Westchester and the southeast bounds of the county of Dutchess.

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the supervisor of the town of North-Salem, in the county of Westchester, and the surpervisor of the town of Southeast, in the county of Dutchess, shall be and hereby are required to nominate and appoint a skilful surveyor; and the surveyor so appointed by the said supervisors shall commence at the twenty mile monument, on the north line of the manor of Cortlandt, and continue the same line eastwardly to the boundary line between this state and the state of Connecticut, and the line so established shall be the boundary line between the county of Westchester and Dutchess: *Provided nevertheless*, That nothing in this act shall be taken to affect or alter any title to any land, tenements or hereditaments; and the costs of making said survey, shall be paid by Gilbert Field, Comfort Field and Nehemiah Field.

II. *And be it further enacted*, That it shall and may be lawful for all courts and officers of the county of Cayuga, in all cases civil, military and criminal, to confine their prisoners in the gaol of the county of Ontario, until further legislative provision shall be made in the premises.

III. *And be it further enacted*, That the treasurer of the county of Cayuga, shall annually on the second Tuesday of May in every year, during the continuance of this act, pay to the treasurer of the county of Ontario, for the use of said county, the sum of fifteen dollars, which sum shall be levied and collected of the freeholders and inhabitants of said county of Cayuga, in the same manner as other contingent charges are by law directed to be levied and collected.

IV. *And be it further enacted*, That so much of the second section of the act, entitled "An act relative to gaols," passed the 30th March, 1801, as relates to the building now established as the gaol of Cayuga, be and hereby is repealed: *Provided*, That nothing in this act contained, shall prohibit the sheriff of the said county of Cayuga, to prevent his prisoners from having the liberties of the gaol of the said county, as the same are now established.

V. *And be it further enacted*, That in case of any breach made in the gaol of the said county of Ontario, by any prisoner confined in the said gaol, by the sheriff, or any other peace officer in and for the county of Cayuga, the said county of Cayuga shall be at the expense of repairing such breach, and that the money for that purpose shall be ordered by the supervisors of the said county of Cayuga, to be raised and paid as part of the contingent charges of the said county.

V

Accounts between Clinton and Essex.

CHAP. XLI.

CONTENTS.

3. Supervisors, Judges and Treasurers, their compensation.
1. Supervisors, to meet with a judge from each of the counties, for the settlement of certain accounts.
4. ------ Of the county found in debt, their duty.
2, 5. Treasurers, their duty.---6. Compensation for services.

An ACT *further to amend an Act, entitled "An Act to divide the County of Clinton."*

Passed March 19th, 1803.

I. BE *it enacted by the People of the State of New-York, represent-*
1 *ed in Senate and Assembly*, That one of the judges of each of the courts of common pleas of the counties of Clinton and Essex, and the supervisors of the several towns in each of the said counties, or a major part of them, are hereby authorized and required to meet on the first Tuesday of September next, at the house of Isaac Wright, innkeeper, in the town of Chesterfield, in the county of Essex, and there examine and settle the accounts existing at the time of the division of the said county of Clinton, and otherwise accrued in consequence thereof, and ascertain the balance including the lawful interest on the same, by writing under their signatures, to be filed in the supervisors' books of each
2 of their respective counties; and that it shall be the duty of the treasurers of the respective counties, and they are hereby required, to meet with the judges and supervisors with the books and accounts of the said counties.

3 II. *And be it further enacted*, That the said judges, supervisors and treasurers, shall be entitled to receive for their services, two dollars per day for the time they shall be necessarily employed therein, and two dollars for every twenty miles they shall travel from and to the place of their residence: *Provided*, The distance from the said Isaac Wright's is not less than ten miles; and the same shall be a lawful charge against the said counties respectively.

4 III. *And be it further enacted*, That it shall be the duty of the supervisors of the county that shall be found indebted, and they are hereby required at their next annual meeting, to cause the said sum of money so found, together with the additional sum of five cents for each dollar, for collecting the same, to be levied and collected in the said county, as other contingent charges of the said county are by law directed to be levied and collected; and the said money shall be paid to the treasurer of the said county.

5 IV. *And be it further enacted*, That the said treasurer is hereby authorized and directed to pay the said m[illegible] to the trea-

surer of the county entitled to receive the same, for the use of the said county, on or before the fifteenth day of April, in the year of our Lord one thousand eight hundred and four.

V. *And be it further enacted*, That the treasurers of the said 6
counties shall be allowed to retain in their hands one cent on every dollar, for receiving in and paying out the same.

Town-Meetings in Montgomery, etc.

CHAP. XCII.

Contents.

1. Town-Meetings, day of holding, altered.
2. Supervisors directed to cause 150 dolls. to be raised, by tax, in Johnstown, for the support of the poor thereof.

An ACT *to alter the Time of holding Town-Meetings in the different Towns in the County of Montgomery, and for other Purposes.*

Passed April 5th, 1803.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That all future annual town-meet- 1
ings, to be holden in the different towns in the county of Montgomery, shall be holden on the first Tuesday in April in every year, and that all business relating to the said towns, which would otherwise be transacted on the last Tuesday in February, shall be transacted on the last Tuesday in March in every year hereafter.

II. *And be it further enacted*, That the board of supervisors for 2
the county of Montgomery, be and they are hereby authorized and required, at their annual meeting in October next, to cause to be levied and collected from the inhabitants of the town of Johnstown, the sum of one hundred and fifty dollars, for the support of the poor of said town, together with five cents on each dollar for the collection of the same, which sum the collector of said town is hereby directed and required to pay to the overseers of the poor of said town.

Islands ceded to the United States.

CHAP. LIV.

An ACT *to cede the Jurisdiction of Great-Gull Island and Little-Gull Island to the United States of America, for the Purposes therein mentioned.*

Passed March 26th, 1803.

WHEREAS the United States have purchased the islands herein after mentioned, for the purpose of erecting a

general to ſell in manner aforeſaid, the land for the payment of
23 which ſuch obligation ſhall have been given : *And further*, That all previous payments made on account of the ſame land ſhall be forfeited to the people of this ſtate.

24 X. *And be it further enacted*, That in order to enable the ſurveyor-general to make the ſurveys and ſales directed by this act, the commiſſioners of the land-office ſhall from time to time certify to the comptroller the ſums of money eſtimated for the expenſes of the ſurveys and ſales to be made as aforeſaid, whereupon the comptroller ſhall iſſue his warrant on the treaſurer in favour of
25 the ſurveyor-general, for the mones ſo certified, for which he ſhall account with the comptroller.

26 XI. *And be it further enacted*, That the power given to the commiſſioners of the land-office by virtue of this act, to direct the ſale of unappropriated lands, ſhall be and hereby is extended to the lots laid out in the village of Salina, and not otherwiſe directed to be
27 diſpoſed of by this act ; to the lands already ſurveyed in the Oneida reſervation ; and that the ſurveyor-general's appraiſement of the lands laſt mentioned, as reported to the legiſlature, ſhall be the ſtandard price, below which the ſame lands ſhall not be
28 ſold : *And further*, That the report of the ſurveyor-general, and the papers accompanying the ſame, made to the legiſlature during the preſent ſeſſion, purſuant to the act, entitled "An act relative to the unappropriated lands of this ſtate ; to prevent intruſions, and for other purpoſes," ſhall be filed and remain of record in the office of the ſecretary of this ſtate.

29 XII. *And be it further enacted*, That the ſtipulations and agreements on the behalf of this ſtate by the agents thereof, contained in a treaty made with the Oneida nation of Indians on the fourth day of June laſt paſt, and the agreements and ſtipulations contained in the treaty made by his excellency the governor, on the behalf of this ſtate, with the Seneca nation of Indians, on the twentieth day of Auguſt laſt paſt, and filed in the ſecretary's office of this ſtate, be and the ſame are hereby ratified and confirmed.

30 XIII. *And be it further enacted*, That his excellency the governor be and he is hereby empowered to agree with ſuch perſon or perſons as ſhall be authorized by the United States for that purpoſe, for the ſale of ſuch quantity of the lands adjoining the Fort-Niagara, as ſhall be neceſſary for the accommodation of that poſt, and to cede the right of the people of this ſtate to the ſaid lands to the United States.

31 XIV. *And be it further enacted*, That the commiſſioners of the land-office ſhall iſſue letters patent to Jaſper Pariſh and Horatio Jones, their heirs and aſſigns reſpectively, for the tracts of land which are ſtipulated by the ſaid treaty with the Seneca nation of Indians to be granted to them.

32 XV. *And be it further enacted*, That it ſhall and may be lawful for the Senecas and other Indians of the ſix nations, to paſs and repaſs on their lawful buſineſs, on any turnpike road which may hereafter be eſtabliſhed from the town of Canandaigua to Buffaloe

CHAP. XLV.

Contents.

2, 6. Appraisement, how made.
4, 8. Appraisers, their compensation and by whom paid.
3, 7. Consideration, when and how paid and secured.
9. ------- If all paid, treasurer directed to receive it, and cancel mortgage.
4, 8. Expenses to be borne by the grantees.
1. Land-Office, commissioners of, directed to grant a tract of land to S. Townsend.
5. ------- To grant to H. Townsend a tract on certain conditions.
10. ------- To have satisfactory proof that no other settlements but those of the grantees are on the lands.

An ACT *authorizing a Grant of Lands to Solomon Townsend and Henry Townsend.*

Passed March 22d, 1803.

WHEREAS Solomon Townsend, by his petition to the legislature, hath stated, that he had purchased a tract of land from the trustees of Ringwood company, under the title of the proprietors of Cheesecock's patent in the county of Orange, and two other tracts of land from persons holding under the same patent, the southern boundary of which patent, by a late determination, leaves a considerable portion of said lands so purchased by the petitioner without the patent of Cheesecocks; and whereas it appears to the legislature that those lands so cut off by said line are uninhabited, and belong to the people of this state, and the said Solomon Townsend being willing to give the just and full value thereof: Therefore,

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for the 1
commissioners of the land-office and they are hereby directed to grant letters patent to the said Solomon Townsend, for a tract not exceeding five thousand acres of land, lying in the counties of Orange and Rockland, if any such there shall appear to be on a survey thereof, to be made by the surveyor-general of this state of the said vacant land, for such sum as shall be judged to 2
be the value thereof, by a majority of three reputable freeholders not interested in the land, under oath, to be appointed for the appraisement thereof, by the judges of the court of common pleas in and for the said county of Orange, or any three of them, of which sum at least one half shall be paid to the treasurer of 3
this state previous to the issuing of such letters patent, and the remainder be made payable, with interest at the rate of six per cent per annum, payable yearly, within five years thereafter, and secured by mortgage in the manner heretofore prescribed by law for securing the consideration monies for lands sold on behalf of this state in the late Indian reservations.

4 II. *And be it further enacted*, That the appraisers to be appointed as aforesaid shall be allowed at the rate of three dollars to each of them per day for their respective services and expenses, to be paid by the said Solomon Townsend, together with all other expenses attending the surveying and granting of the premises.

And whereas, It is represented to the legislature, that there is a certain tract of vacant land belonging to the people of this state, lying in the mountains in the town of Cornwall, in the county of Orange, and is bounded by lands anciently granted to John Neilson and Vincent Mathews, Smith and Wilkin, and Moore and Metcalfe, and that the same will be more beneficial to Henry Townsend than to any other person, on account of their proximity to his iron works, and being willing to pay the just value therefor: Therefore,

5 III. *Be it further enacted*, That it shall and may be lawful for the commissioners of the land-office, and they are hereby directed to grant letters patent to the said Henry Townsend for a tract not exceeding nine hundred acres of land, in the said county of Orange, if any such there shall appear to be, on a survey thereof to be made by the surveyor-general of this state, of the said va-
6 cant lands, for such sum as shall be judged to be the value thereof by a majority of three reputable freeholders not interested in the land, under oath, to be appointed for the appraisement thereof by the judges of the said court of common pleas, or any three
7 of them, of which sum at least one half shall be paid to the treasurer of this state previous to the issuing of such letters patent, and the remainder be made payable, with interest at the rate of six per cent per annum, payable yearly, within five years thereafter, and secured by mortgage in the manner heretofore prescribed by law for securing the consideration monies for lands sold on behalf of this state in the late Indian reservations.

8 IV. *And be it further enacted*, That the appraisers to be appointed as aforesaid shall be allowed at the rate of three dollars to each of them per day, for their respective services and expenses, to be paid by the said Henry Townsend, together with all the expenses attending the surveying and granting of the premises.

9 V. *And be it further enacted*, That if the said Solomon Townsend or Henry Townsend, or either of them, shall pay into the treasury of this state the whole of the consideration money and the interest due thereon, at any time after the said survey and valuation shall be made, it shall be the duty of the said treasurer to receive the same, and if the mortgages should be executed, on payment thereof they shall be and are hereby directed to be cancelled.

10 VI. *And be it further enacted*, That the said Solomon Townsend and the said Henry Townsend respectively, shall give satisfactory proof to the said commissioners of the land-office, previous to the issuing the said letters patent, that there are no actual settlements made on the said lands other than such persons

as have been placed thereon by the said Solomon Townsend or Henry Townsend, or holding under them.

CHAP. LXIV.

Contents.

4. Dam, Samuel Messenger, jun. authorized to build over the Chittiningo creek.
5. ------- To be so constructed as to admit the passage of boats, &c.
3. Land-Office, commissioners of, to grant letters patent to Samuel Messenger, Jun. on certain conditions.
6. Penalty for building the dam contrary to the meaning of this act.
7. ------- For unreasonably delaying the passage of boats.
1. Surveyor-General to make a survey.---2. To appraise the land, and make return to the commissioners of the land-office.

An ACT *authorizing a Grant of Land to Samuel Messenger, junior, and the Privilege of Damming the Chittiningo Creek, with certain Restrictions.*

Passed March 31st, 1803.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful 1
for the surveyor-general, and he is hereby required, as soon as may be after the passing this act, to lay out and survey a tract of land not exceeding one hundred acres, on the east side of the Chittiningo creek, and opposite to lands now owned by Samuel Messenger, junior, on lot number sixteen, in the town of Manlius, in the county of Onondaga, in such manner and form as will best enable the said Samuel Messenger, junior, to build a mill or mills; and when so laid out, he shall appraise the same, with the ad- 2
vantages of the water and mill seat or mill seats belonging to the state, and make return thereof to the commissioners of the land-office: *Provided*, The said land shall not be so laid out as to include the improvements made thereon, without the consent of the occupants thereof.

II. *And be it further enacted*, That when the surveyor-general 3
hath made such return it shall and may be lawful for the commissioners of the land-office to grant letters patent to Samuel Messenger, junior, his heirs and assigns, of such and so much land as shall be so laid out, surveyed and returned by the said surveyor-general as aforesaid: *Provided*, The said Samuel Messenger, junior, shall first have paid the expences of surveying and appraisal of one fifth part, and secured to the people of the state the remainder of the value of said land as appraised, by such bonds and mortgages as are commonly taken for lands in the Oneida and Onondaga reservations.

III. *And be it further enacted*, That it shall and may be lawful 4
for the said Samuel Messenger, junior, to build a dam across the said Chittiningo creek, beginning on the land now owned by the said Samuel Messenger, junior, on the said number sixteen: *Pro-*

5 *vided nevertheless*, That ſuch dam ſhall be ſo conſtructed as not to prevent the paſſage of fiſh up ſaid creek; *And further*, Whenever ſaid creek ſhall be uſed as a public highway, ſhall make a ſufficient lock for the paſſage of boats up and down the ſame.

6 IV. *And be it further enacted*, That if the ſaid Samuel Meſſenger, junior, his heirs or aſſigns, ſhall conſtruct a dam acroſs ſaid creek, different from the true conſtruction and meaning of this act, he, ſhe or they ſhall be deemed to be guilty of a miſdemeanor, and ſhall be puniſhable by indictment or otherwiſe.

7 V. *And be it further enacted*, That if the ſaid Samuel Meſſenger, junior, his heirs or aſſigns, ſhall unreaſonably delay the paſſage of any boat, paſſing up or down ſaid creek, for the ſpace of two hours, he, ſhe or they ſhall, for every ſuch offence, forfeit the ſum of five dollars, to be recovered in an action of debt, in the name and to the uſe of ſuch perſon ſo unreaſonably delayed.

Unappropriated Lands.

CHAP. CVI.

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An ACT *for the Sale of the unappropriated Lands, and for other Purposes.*

Passed April 6th, 1803.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall be lawful for the 1
commissioners of the land office (and they are hereby required) from time to time, and as often as they shall judge it to be for the interest of the state, to direct the surveyor-general to cause actual surveys to be made of such parts of the unappropriated lands of this state into lots of such number of acres as they shall

2 judge proper for the purpoſe hereafter mentioned : *Provided always*, That no lot ſhall exceed in quantity two hundred acres.

3 II. *And be it further enacted*, That it ſhall be lawful for the commiſſioners of the land-office, from time to time, to direct the ſurveyor-general to ſell the unappropriated lands belonging to this ſtate, and not otherwiſe directed to be diſpoſed of, at public vendue, in ſuch parcels as they ſhall deem moſt for the intereſt of the ſtate, and for the promotion of the ſettlement thereof :

4 *Provided*, That not more than twenty thouſand acres ſhall be ſold at one vendue, and that no one parcel of ſuch land, exceeding two hundred acres, ſhall be ſeparately expoſed to ſale.

5 III. *And be it further enacted*, That it ſhall be the duty of the ſurveyors who ſhall ſurvey any unappropriated lands in order to a ſale thereof, purſuant to this act, to appraiſe the value of each lot, excluſive of the improvements thereon, (in caſe ſuch improvements exceed the value of ſixty dollars) which appraiſement they ſhall deliver, together with the returns of ſuch ſurveys and maps of the lots ſo ſurveyed, and a field book containing an account of the ſoil, timber and local advantages of each lot to the

6 ſurveyor-general ; a copy whereof ſhall be filed in the ſecretary's office, for the private information of the commiſſioners of the land-office.

7 IV. *And be it further enacted*, That the commiſſioners of the land-office, ſhall previous to every ſale, furniſh the ſurveyor-general with an account of the prices, below which it ſhall not be lawful for him to ſell any of the ſaid lots.

8 V. *And be it further enacted*, That the ſurveyor-general ſhall make, or cauſe to be made, a map of each of the ſaid tracts ſo to be ſurveyed as aforeſaid, diſtinguiſhing on ſuch maps the town

9 and county in which ſuch lots are ſituate ; which maps ſhall be fixed up in the ſaid ſurveyor-general's office, and one copy, to be furniſhed by him, ſhall alſo be fixed up in the office of the ſecretary of this ſtate, to be inſpected by any perſon whatſoever every day, Sundays excepted, during the ſtated hours of doing buſineſs

10 in the ſaid office ; and the ſaid maps ſhall after the ſale of the land deſcribed thereon, be filed in the offices of the ſaid ſurveyor-general and ſecretary reſpectively.

11 VI. *And be it further enacted*, That the land directed to be ſold as aforeſaid, ſhall be ſold by the ſurveyor-general, to the higheſt

12 bidders at public vendue ; of the time, place and conditions of which ſales, eight weeks previous notice ſhall be given in the newſpaper publiſhed by the printer of the ſtate, and in one other newſpaper publiſhed in the city of Albany, and in one other in the city of New-York, and all the newſpapers publiſhed in the ſeveral counties where the lands to be ſold are ſituate ; and every ſale ſo to be made, ſhall be on the condition that in forty-eight hours thereafter the one eighth part of the conſideration money be paid to the ſurveyor-general, and the remainder in ſix equal payments, in each ſucceſſive year thereafter, with intereſt, at the

13 rate of ſix per cent per annum : *Provided*, That nothing in this

brought, to refer and leave to arbitration any or all disputes relative to the same by bonds of arbitration or rule of court.

Hillsdale Disputes.

CHAP. LXXVI.

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23 which ſuch obligation ſhall have been given : *And further*, That all previous payments made on account of the ſame land ſhall be forfeited to the people of this ſtate.

24 X. *And be it further enacted*, That in order to enable the ſurveyor-general to make the ſurveys and ſales directed by this act, the commiſſioners of the land-office ſhall from time to time certify to the comptroller the ſums of money eſtimated for the expenſes of the ſurveys and ſales to be made as aforeſaid, whereupon the comptroller ſhall iſſue his warrant on the treaſurer in favour of
25 the ſurveyor-general, for the mones ſo certified, for which he ſhall account with the comptroller.

26 XI. *And be it further enacted*, That the power given to the commiſſioners of the land-office by virtue of this act, to direct the ſale of unappropriated lands, ſhall be and hereby is extended to the lots laid out in the village of Salina, and not otherwiſe directed to be
27 diſpoſed of by this act ; to the lands already ſurveyed in the Oneida reſervation ; and that the ſurveyor-general's appraiſement of the lands laſt mentioned, as reported to the legiſlature, ſhall be the ſtandard price, below which the ſame lands ſhall not be
28 ſold : *And further*, That the report of the ſurveyor-general, and the papers accompanying the ſame, made to the legiſlature during the preſent ſeſſion, purſuant to the act, entitled "An act relative to the unappropriated lands of this ſtate ; to prevent intruſions, and for other purpoſes," ſhall be filed and remain of record in the office of the ſecretary of this ſtate.

29 XII. *And be it further enacted*, That the ſtipulations and agreements on the behalf of this ſtate by the agents thereof, contained in a treaty made with the Oneida nation of Indians on the fourth day of June laſt paſt, and the agreements and ſtipulations contained in the treaty made by his excellency the governor, on the behalf of this ſtate, with the Seneca nation of Indians, on the twentieth day of Auguſt laſt paſt, and filed in the ſecretary's office of this ſtate, be and the ſame are hereby ratified and confirmed.

30 XIII. *And be it further enacted*, That his excellency the governor be and he is hereby empowered to agree with ſuch perſon or perſons as ſhall be authorized by the United States for that purpoſe, for the ſale of ſuch quantity of the lands adjoining the Fort-Niagara, as ſhall be neceſſary for the accommodation of that poſt, and to cede the right of the people of this ſtate to the ſaid lands to the United States.

31 XIV. *And be it further enacted*, That the commiſſioners of the land-office ſhall iſſue letters patent to Jaſper Pariſh and Horatio Jones, their heirs and aſſigns reſpectively, for the tracts of land which are ſtipulated by the ſaid treaty with the Seneca nation of Indians to be granted to them.

32 XV. *And be it further enacted*, That it ſhall and may be lawful for the Senecas and other Indians of the ſix nations, to paſs and repaſs on their lawful buſineſs, on any turnpike road which may hereafter be eſtabliſhed from the town of Canandaigua to Buffaloe

creek or its vicinity, and over any toll-bridge that may be erected between those places, and also at the ferry across the Niagara river at or near Black rock, and at such other place or places in the vicinity of Black rock, where any ferry shall hereafter be erected, free of toll and ferriage, at all seasonable times of the day, and when the boats at such ferries are crossing with other passengers or with freight: *And whereas*, Complaints have been made by the Indians of the six nations, that obstructions are created in the Seneca river, whereby salmon are prevented from going up the said river: Therefore,

XVI. *Be it further enacted*, That if any person or persons shall 33
make any obstruction in the said river, whereby the salmon may be prevented from going up the said river, the person or persons creating such obstructions shall for every offence forfeit the sum of one hundred dollars, to be recovered in an action of debt, by any person who shall sue for the same in any court having cognizance thereof, together with the costs of suit: *And further*, That all ob- 34
structions which have heretofore been made in the said river, whereby salmon are prevented from going up the said river, shall be removed so as to leave a free passage for salmon up the river, within twelve months from the time of passing this act, in default whereof the person or persons who have made such obstructions, shall forfeit the sum of one hundred dollars, to be recovered in like manner as aforesaid.

XVII. *And be it further enacted*, That the tract of land called 35
Stidman's farm, lying on the Niagara river, shall be sold by the surveyor-general at public vendue to the highest bidder, for a term not exceeding eight years; and that the surveyor-general and the purchaser shall mutually execute and interchange leases for the same, with such covenants and provisos as the commissioners of the land-office shall direct: *And further*, That the purchaser 36
shall give such security to the people of this state as shall be required and approved of by the surveyor-general, for the fulfilment of the conditions and agreements in the said lease: *And whereas*, Martenus Rotskin, Hanyost Decanonsongoth and Isaac Shorewasken, Indians of the Oneida nation, have petitioned the legislature that certain parcels of land in the tract last ceded to the people of this state by the Oneida nation of Indians, may be granted to them respectively, for their separate use: Therefore,

XVIII. *Be it further enacted*, That it shall be lawful for the 37
surveyor-general to convey to the above named three Indians, and their respective heirs, three hundred and twenty acres of the tract of land last mentioned, in the following proportions, that is to say: To the said Martenus one hundred and sixty acres, to the said Hanyost and said Isaac, each eighty acres, at a price fifty per cent less than the valuation of the said land expressed in the surveyor-general's report to the legislature: *Provided nevertheless*, That the said three Indians shall respectively, at or before the delivery of the said conveyances, pay into the treasury the eighth part of the purchase money, and execute mortgages to the people

of this ſtate, to ſecure the payment of the reſidue in three equal yearly inſtalments, with intereſt, at the rate of ſix per cent: *And provided further*, that the ſaid three Indians, ſhall be and hereby are interdicted from alienating the ſaid lands.

38 XIX. *And be it further enacted*, That it ſhall be lawful for the commiſſioners of the land-office, to leaſe the ferry at or near Black rock, on the Niagara river, together with one hundred acres of land, to be laid out north of and adjoining the lands which may be ceded to the United States for a military poſt, and to extend from the ſaid river to the Holland purchaſe, for ſuch a term not exceeding eight years, and upon ſuch conditions as they ſhall judge reaſonable.

39 XX. *And be it further enacted*, That the ſale of the ſeveral farms and landing and carrying places on the Niagara river, together with ſuch quantities of land adjoining the ſame as the commiſſioners of the land-office ſhall deem neceſſary for the accommodation of ferries, landing and carrying places, is hereby inhibited.

40 XXI. *And be it further enacted*, That it ſhall be lawful for the commiſſioners of the land-office to receive propoſals in writing for leaſing the old carrying and landing places, and the ferry acroſs the Niagara river, oppoſite to Queenſtown, at the village laid out by the ſurveyor-general on the ſaid Niagara river; together with ſuch tracts of land in the vicinity thereof, as the ſaid commiſſioners ſhall deem reaſonable: *Provided always*, That each tract ſhall contain not leſs than two hundred and fifty acres, nor include more of the village lots than may be neceſſary for the erection and accommodation of the wharf and ſtore houſes herein after mentioned.

41 XXII. *And be it further enacted*, That it ſhall be lawful for the ſaid commiſſioners to leaſe the ſaid carrying and landing places and ferry, to ſuch perſon or perſons as will for the leaſt number of years contract, and give approved ſecurity to the ſaid commiſſioners, to erect a good and ſufficient wharf, and two good and ſufficient ſtore houſes thereon, at ſuch places as the ſaid commiſſioners ſhall deſignate for that purpoſe; and alſo to make a good and convenient road from the higheſt part of the bank down to
42 the ſaid wharf: and that the ſaid commiſſioners ſhall, by an advertiſement deſcribing the manner of conſtructing the ſaid wharf, and the dimenſions of the ſaid ſtore houſes, give eight weeks public notice in the ſeveral newſpapers above mentioned, of receiving propoſals for the purpoſe aforeſaid: and that the ſaid commiſſioners ſhall inſert in the ſaid leaſe ſuch covenants and conditions as they ſhall deem neceſſary to enſure a faithful performance of the ſtipulated terms on the part of the leſſee, and for the peaceable ſurrender of the demiſed premiſes, with the wharf, ſtore houſes and other improvements, in good and ſufficient repair, at the expiration of the term.

43 XXIII. *And be it further enacted*, That ſo many of the lots in the village aforeſaid as the commiſſioners of the land-office ſhall

deem moſt advantageous to the ſtate, ſhall be ſold by the ſurveyor-general at public vendue, upon the ſame terms of payment as are before preſcribed concerning the ſale of the other unappropriated lands: and that the like notice ſhall be given of the ſaid ſales in the ſeveral newſpapers aforeſaid, as is herein before directed relative to other public ſales.

XXIV. *And be it further enacted*, That the commiſſioners of the 44
land-office ſhall iſſue letters patent to Sarah Doxteder, for one hundred acres of land abjoining the two mile tract, on the road called Klock's road, as the ſame has been laid out by the ſurveyor-general; to have and to hold, the ſaid one hundred acres of land, to the ſaid Sarah Doxteder during her natural life, and after her death, to her heirs for ever: *And further*, That it ſhall be 45
lawful for the ſaid commiſſioners to iſſue letters patent to Michael Kern, his heirs and aſſigns, for one hundred and fifty acres of land as laid out by the ſurveyor-general, including the houſe which he now occupies.

XXV. *And be it further enacted*, That the treaſurer of this ſtate 46
ſhall, on the warrant of the comptroller, pay to the order of the perſon adminiſtering the government of this ſtate, out of any monies in the treaſury, the ſum of three hundred dollars annually for ever hereafter for the Oneida nation of Indians, to be paid to the ſaid Indians, purſuant to the late treaty made between this ſtate and the ſaid Indians.

XXVI. *And be it further enacted*, That it ſhall be lawful for the 47
commiſſioners of the land-office, to iſſue letters patent to Myndert Wemple, his heirs and aſſigns, for one hundred acres of land, to be laid out in a ſquare, and to extend each way from the houſe now occupied by the ſaid Myndert Wemple, along the Geneſee road, fifteen chains, and from thence northerly fourteen chains, and ſoutherly twenty chains, he the ſaid Myndert Wemple paying therefor, into the treaſury of this ſtate, the ſum of one hundred dollars.

XXVII. *And be it further enacted*, That upon application to the 48
commiſſioners of the land-office, by any perſon or perſons now in the actual poſſeſſion of any lot or lots of land in the ſeveral tracts called the Oneida, Onondaga and Cayuga reſervations, who ſhall have made improvements thereon to the value of twenty-five dollars, to be proven to the ſatisfaction of the ſaid commiſſioners, it ſhall be the duty of the ſaid commiſſioners to iſſue letters patent for ſuch lot or lots to each poſſeſſor, for the prices at which the ſaid lot or lots have been valued by the ſurveyor-general and ſpecified in his report, upon ſuch applicants complying with the terms of purchaſe preſcribed by this act, reſpecting the lands to be ſold at vendue by the ſurveyor-general.

XXVIII. *And be it further enacted*, That the ſurveyor-general 49
ſhall ſell at public vendue, in the manner and on the conditions preſcribed in and by the act, entitled "An act for the better ſupport of the Oneida, Onondaga and Cayuga Indians, and for other purpoſes therein mentioned," all the lots in the late Oneida,

Onondaga and Cayuga reſervations, ſtill remaining the property of the ſtate, and not otherwiſe directed to be diſpoſed of, and alſo all ſuch lots in ſaid reſervation as have been heretofore diſpoſed of, and mortgaged to the people of this ſtate, and on which the firſt payment, that ſhall hereafter become due, ſhall not be made:
50 *Provided*, That on the ſale of every lot to be made as aforeſaid, a ſum not leſs than one eighth part of the purchaſe money, ſhall be immediately paid on account thereof.

And whereas, The lands in the laſt Oneida purchaſe, occupied and improved by George Harp, has by the treaty with the Oneida Indians, been ſecured to Sarah Doxteder, whereby he is deprived of the benefits intended for occupants: Therefore,

51 XXIX. *Be it further enacted*, That the commiſſioners of the land-office, ſhall grant to the ſaid George Harp, lot number one in ſaid laſt purchaſe, on the ſame conditions as other lots are to be granted to the occupants on ſaid purchaſe.

52 XXX. *And be it further enacted* That the lands before mentioned ſhall be ſold in the county where ſaid lands lay, at ſuch place as the ſurveyor-general ſhall appoint.

53 XXXI. *And be it further enacted*, That the ſurveyor-general ſhall, as ſoon as may be after the reception of the firſt purchaſe money as aforeſaid, pay the ſame into the treaſury of this ſtate.

54 XXXII. *And be it further enacted*, That all the right and title which this ſtate now hath in and to the lands, tenements and hereditaments of which Robert Bell, late of the city of Albany, deceaſed, died ſeiſed and poſſeſſed, and the rents thereof to which this ſtate may now be entitled, ſhall be and hereby is veſted in and ſhall belong to and be enjoyed by his ſon Robert Adair Bell, in like manner as if the ſaid Robert Adair Bell had been a citizen of the ſaid ſtate at the time of the death of his ſaid father: *Provided always*, That if there are any other child or children, grand-child or grand-children of the ſaid Robert Bell, he, ſhe or they ſhall take and enjoy ſuch ſhares or rights therein, with the ſaid Robert Adair Bell, as by the laws of this ſtate they might have taken if they had been reſpectively citizens thereof at the time of the deceaſe of the ſaid Robert Bell: *And provided further*, That if the ſaid Robert Adair Bell and the other perſons who may claim title under this act to any part of the ſaid real eſtate of Robert Bell, deceaſed, ſhall not, within two years after the paſſing of this act, come to reſide in one of the United States, every thing contained in this act in his and their behalf ſhall ceaſe and be void, and the lands hereby intended to be confirmed to him and them ſhall eſcheat to the people of this ſtate in the ſame manner as if this act had not been paſſed.

55 XXXIII. *And be it further enacted*, That it ſhall be lawful for the commiſſioners of the land-office, and they are required, to iſſue letters patent to Joſeph De Sylva, for two hundred acres of land, the property of this ſtate, lying at the Platta kill, in the town of Briſtol, in the county of Schoharie, he the ſaid Joſeph paying therefor the ſum of two hundred and fifty dollars into the

treasury of this state in manner following: one eighth part thereof within thirty days after the same shall have been surveyed and a map thereof made and filed in the surveyor-general's office, and executing to the people of this state a bond and mortgage for the securing the residue thereof, payable in six years from the date of such bond and mortgage, with interest at the rate of six per cent per annum, to be paid annually.

Glebe Land at Newburgh.

CHAP. CX.

Contents.

1. Election, who to vote at.----3. Anniversary day of.
4. Income, how appropriated.
1. Trustees of the Glebe, when and how chosen.--2. Their powers.
6. -------- Annually to account with persons appointed for the purpose.
5. -------- Of the parish (so called) how to account.

An ACT *to alter and amend the Charter of the Glebe Land, in the German Patent, in the Village of Newburgh.*

Passed April 6th, 1803.

WHEREAS a glebe of five hundred acres of land, situate in the town of Newburgh, and county of Orange, was granted by letters patent under the great seal of the then province of New-York, on the twenty-sixth day of March, one thousand seven hundred and fifty-two, to Alexander Colden and Richard Albertson, and their successors, as trustees of the parish of Newburgh, and to the inhabitants then living on the German patent, for the support of a minister of the church of England, as then by law established, and a school-master, to have the care of souls and the instruction of the children of the inhabitants of the German patent: *And whereas*, There now is not nor has there been for several years last past, any such minister in said village: *And whereas*, Hugh Walsh and Levi Dodge, trustees of said parish, together with the inhabitants of said patent, have by their petition prayed that the said charter be by law altered and amended, so as to meet their interest and convenience: Therefore,

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for the inhabitants residing on the said German patent, who shall have a right to vote at the annual town-meetings, to meet together in the village of Newburgh, on the second Tuesday of May next, at some proper place to be appointed by any justice of the peace, within the said village, and notified to the inhabitants of said patent at least one week previous to the said second Tuesday of May, and then and there to choose, by a plurality of votes, three persons inhabitants of the said patent, to officiate as trustees of

the aforesaid glebe, who shall hold their offices for one year, and
2 until others shall be chosen in their stead; and the said trustees so chosen shall have the like powers to do, and the like duties to perform, as the trustees of the parish of Newburgh have heretofore been possessed of and done; and such justice shall preside at such meeting, and shall declare the persons having the greatest
3 number of votes as duly chosen trustees; and on every second Tuesday in May after the first election of trustees, there shall in like manner be a new election for trustees of the glebe, and the trustees for the time being shall perform the several duties required from said justice, in respect to notifying the meeting of the inhabitants of said patent, and presiding at such election.

4 II. *And be it further enacted*, That the monies arising from the annual income of the glebe shall for ever hereafter be appropriated solely to the support of schools on the said glebe; that the sum of two hundred dollars of such monies shall be paid on the first Tuesday in May in every year by the trustees of the glebe to the trustees of the academy of Newburgh, who shall apply the said sum of two hundred dollars solely to the use of schools taught in said academy; and that the remainder of the money arising from such annual income shall be paid to the trustees of the other schools which are or may hereafter be established on the glebe, in such manner and in such proportion as the inhabitants aforesaid from time to time shall order and direct: *Provided always*, That if at any time hereafter a minister of the episcopal church shall be inducted on said patent, as nearly in conformity to said charter as may be, then it shall and may be lawful for the said trustees of the glebe to pay annually for the support of said minister such proportion of the monies aforesaid as shall be reasonable, according to the true intent and meaning of the said charter: *And whereas*, Regular accounts of the income of the said glebe, and the expenses of building and repairing the said academy, have not for many years past been exhibited as by the aforesaid charter directed, whereby the inhabitants of the said patent might be enabled to ascertain the state of their funds: Therefore,

5 III. *Be it enacted*, That three freeholders, being inhabitants of the said patent, shall, as soon as may be, be chosen as in manner aforesaid, and annually for ever hereafter, to whom the trustees of
6 the parish of Newburgh, formerly so called, shall account, and to whom the trustees of the glebe shall annually account, when thereunto required; and in case of neglect or refusal so to do, it shall and may be lawful for the said three freeholders, so to be elected as aforesaid, or any two of them, to have, maintain and prosecute in their names, in behalf of the said inhabitants, suits in law or equity, for the recovery of any sums which may have been or may be received either by the said trustees of the said parish of Newburgh, or the trustees of the said glebe, and which shall not have been expended for the uses prescribed by this act, which monies, when so recovered, shall be paid over to the trustees of the said academy; and in case of the consent of parties, either before or after suit

brought, to refer and leave to arbitration any or all disputes relative to the same by bonds of arbitration or rule of court.

Hillsdale Disputes.

CHAP. LXXVI.

Contents.

1. Commissioners for settling the disputes and controversies, appointed.
2. ------- Authorized to hear, examine and determine the controversy.
8. ------- If they shall determine the right to be in the heirs and devisees of John Van Rensselaer the elder, deceased, then to estimate the value of the lands, &c.
20. ------- When and in what manner to award, &c.
21. ------- Powers granted to, may be executed by any two of them.
22. ------- Their determination binding and conclusive on the parties, and those who may claim under them, notwithstanding infancy or coverture.
24. Costs and Expenses, account thereof to be audited by the commissioners.
25. ------- 1-2 to be borne by the parties of the first part, and the other by those of the second.
26. ------- Proportion of, for each possessor to pay, commissioners to determine.
27. ------- To create the same lien upon property as judgment.
10. Possessors to give bonds and mortgages for the amount of the valuation of their possessions, in one month after the execution of a deed to them, otherwise the deed to become void.
11. ------- Neglecting to give bonds and mortgages, to give up their possessions.---13. Writ of right may be sued out against them.---14, 15. And attornies appointed for them.
23. ------- Who have not signed the agreement, may sign within a limited time.
9. John Van Rensselaer the elder, deceased, heirs and devisees of, in case the title shall be awarded to them, to convey to the possessors.
12. ------- In case the title shall not be awarded to them, then to release to the possessors.
13. ------- On the refusal of the possessors to execute bonds and mortgages, they may sue out a writ of right against them.
16. ------- In case the lands shall not be awarded to them, and they refuse to lease to the possessors, how to be dealt with.
17. ------- Such of them as may be infants and able to write their names, may execute deeds, &c.---18. And when too young to write, their guardians to execute.
19. ------- Authorized to survey any part of the disputed lands.
3. Witnesses, commissioners authorized to summon.
4. ------- Penalty on for refusing to attend.
5. ------- Commissioners authorized to administer oaths or affirmations to.
6. ------- Giving false evidence, to suffer the penalties inflicted for corrupt perjury.

7. Witneſſes, Not bound to give any other evidence than ſuch as required at a trial at common law.

An ACT *for ſettling the Diſputes and Controverſies between the Repreſentatives of John Van Renſſelaer the elder, deceaſed, and the Poſſeſſors of Lands in the Town of Hillsdale, in the County of Columbia.*

Paſſed April 2d, 1803.

WHEREAS a controverſy has long exiſted between Philip Schuyler, of the city of Albany, eſquire, huſband of Catharine Schuyler, deceaſed, Philip I. Schuyler, of Rhinebeck, in the county of Dutcheſs, and Renſſelaer Schuyler, of Saratoga, in the county of Saratoga, gentlemen, John B. Church, of the city of New-York, eſquire, and Angelica his wife, Alexander Hamilton, of the ſame city, counſellor at law, and Elizabeth his wife, Waſhington Morton, of the ſame city, counſellor at law, and Cornelia his wife, Catharine Schuyler, daughter of Philip Schuyler firſt aforeſaid, Philip Schuyler the younger, and Stephen Van Renſſelaer the younger, grandſons of the ſame Philip; which ſaid Philip, Renſſelaer, Angelica, Elizabeth, Cornelia and Catharine, are children, and the ſaid Philip the younger and Stephen the younger, grand-children of the ſaid Catharine Schuyler deceaſed; alſo, Henry Van Renſſelaer, of Claverack, in the county of Columbia, eſquire, James Van Renſſelaer, of Bethlehem, in the county of Albany, and John Van Renſſelaer, of Greenbuſh, in the county of Renſſelaer, gentleman, Jacob R. Van Renſſelaer, of Claverack, in the county of Columbia, attorney at law, Jeremiah Van Renſſelaer, Henry Van Renſſelaer the younger, James Van Renſſelaer the younger, Catharine Van Renſſelaer, and Angelica Van Renſſelaer, children of Robert Van Renſſelaer, late of Claverack, in the county of Columbia, deceaſed, for themſelves and the grand-children of the ſaid Robert Van Renſſelaer, deceaſed, the repreſentatives of John Van Renſſelaer the elder, late of Greenbuſh, in the county of Albany, who are claimants of a tract of land granted by letters patent to the ſaid John Van Renſſelaer, dated the twenty-fourth day of February, in the year one thouſand ſeven hundred and ſeventy-three, of the one part; and William Tanner, Thomas Wiltſe, Daniel Downing, Charles Trueſdell, Ebener Hatch, Ezra Benedict, William Schutt, Lemuel Daniels, Simeon Rowly, Joſeph Rodman, Samuel Seelding, Hezekiah Tickner, William Chace, Andrew Adams, John Heath, James Leſter junior, John Hunt, John Cadwell, Ebenezer Soule junior, Jabez Griſwold, Aſa Colkins, Samuel Pratt, Levi Vinſon, Solomon Doty, Joſhua Meeker, Sabrah Heath, Oliver Mallery, John Jones, Ira Morſe, Aſa Palmer, Walter L. Patchen, Ichabod Wheten, Williams Huntly, Auguſtine Webſter, John Hatch, Peter Woodin, James Shepard, Ebenezer Mallery, Nehemiah Spencer, David Spencer, Ezra Spencer, Luther Chace, John Wells, Noah Silleck, Benjamin Tiffany, Benjamin Tiffany junior,

Major Tyler, David Crofman, Thomas Boyes, Thomas Lefter, Jared Winflow, Thaddeus Crippen, Beriah Southworth, Prudence Bagley, David Beebe junior, David Ranfom, Chloe Brafe, Peter Sturges junior, Peter Hilligofs, George Mitchell, Elnathan Heath, James Adams, George Vults, Jonathan Arnold, and Simeon Graham, who are in poffeffion of land in the town of Hillfdale, in the county of Columbia, of the other part, relative to the right and title to the faid lands fo poffeffed, and which are claimed by the faid parties of the firft part, by virtue of the aforefaid patent.

And whereas, The faid controverfy cannot be finally determined without a number of lawfuits, attended with delay and great expenfe to the parties: *And whereas*, Divers of the claimants under the faid patent are infants, and others under coverture, by means whereof it is difficult, if not impracticable, to have a determination of the aforefaid difpute and controverfy, conclufive and binding upon all the parties interefted without the aid of the legiflature: *And whereas*, The faid parties have, by their attornies duly authorized thereto, agreed to unite in an application to the legiflature, for an act appointing commiffioners finally to determine the right and title of the faid parties to the faid land, poffeffed by the faid parties of the fecond part, in the faid town of Hillfdale, and claimed by the faid parties of the firft part, and all difputes and controverfies, in any manner relating to the fame; and that Smith Thomfon, one of the juftices of the fupreme court of judicature of this ftate, Robert Troup, of the city of New-York, and Jonas Platt, of Whiteftown, counfellors at law, be the commiffioners for that purpofe: *And whereas*, The faid parties have, by their attornies, made fuch joint application to the legiflature, which it appears reafonable to grant: Therefore,

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the faid Smith Thomfon, Robert 1
Troup and Jonas Platt, efquires, fhall be and hereby are appointed commiffioners to fettle the faid difputes and controverfies.

II. *And be it further enacted*, That it fhall and may be lawful 2
for the faid commiffioners, to hear and examine all difputes and controverfies between the faid parties, refpecting the title to the faid lands, and to fettle and determine whether the faid John Van Renffelaer the elder, in his life time and at the time of his death, had or might lawfully claim right or title, as of an eftate of inheritance, in poffeffion, reverfion or remainder, in or to the lands aforefaid, now poffeffed or occupied by the faid parties of the fecond part, all or fome of them, or in or to any rents, iffues or profits thereof, and whether, (if fuch right or title did exift) the fame doth continue in the heirs or devifees of the faid John Van Reffelaer, deceafed, or in the heirs and devifees of fuch of his heirs and devifees as may be now dead, all or any of them, or hath been barred or defeated by length of time or other means whatfoever.

III. *And be it further enacted*, That the faid commiffioners 3

and John Halbert, or any two of them, or the survivors or survivor of them, shall be inspectors finally to settle and determine the number of acres of swamp and meadow belonging to each proprietor in said tract, which may, in their opinion, be benefitted by clearing and enlarging the said McKnight creek; which settlement and determination shall be delivered in writing by the said inspectors, and signed by them, to the commissioners hereinafter named, for clearing and enlarging the said creek, and paying the expenses thereof.

II. *And be it further enacted*, That for the purpose of clearing and enlarging the said creek, the sum of five hundred dollars, shall be paid by the proprietors of the lands determined to be benefitted thereby, in proportion to the number of acres and the benefits they shall respectively receive as settled by the said inspectors; which sums shall be paid to Gideon Jennings, Isaac Van Duyer and Joseph Wood, jun. commissioners, to be by them applied in paying all incidental charges that shall arise, in and about clearing and enlarging the said creek, as they or any two of them shall think proper, from where the said creek falls into the Walkill, to the causeway leading to the little islands.

III. *And be it further enacted*, That each proprietor contiguous to said McKnight creek, and assessed for clearing the same, shall within three months after the said inspectors shall have settled and determined the respective proportions of five hundred dollars, pay the same to the said Gideon Jennings, Isaac Van Duyer, and Joseph Wood, jun. or either of them, and in default thereof it shall be lawful for them or the survivors or survivor of them, to recover the same by due course of law, with interest and costs of suit.

IV. *And be it further enacted*, That the board of commissioners aforementioned, are hereby authorised to dispose of at public auction, for a term not exceeding twenty-one years, giving at least six weeks previous notice thereof, by advertisement, to be inserted in the public newspaper printed in the town of Goshen, any lot or lots or undivided parts of lots contained in said swamp or bog-meadow, the owner or owners thereof neglecting or refusing to pay to them respectively, the sum or sums assessed thereon by the said inspectors, and give lease or leases for the same, to any person or persons who may purchase said lot or lots or undivided parts thereof.

V. *And be it further enacted*, That for defraying the expense of keeping the said creek clear and open, the proprietors of the said swamp and bog-meadow, shall for every acre, as settled by the said inspectors, pay such sum annually, not exceeding three cents, if a majority of them at their respective annual meetings, shall think proper to direct the same, to be computed from the first day of January, one thousand eight hundred and four, on or before the first day of May in every year thereafter to the treasurer, to be chosen annually by a majority of said proprietors, to meet for that purpose at the dwelling-house of said Isaac Van

deeds, containing general warrantees, bargain, ſell, releaſe and confirm, or cauſe to be bargained, ſold, releaſed and confirmed, all the right, title, eſtate, intereſt, claim and demand which they may reſpectively have in, to or upon ſuch lands, unto ſuch of the ſaid parties of the ſecond part reſpectively, their heirs and aſſigns, or ſome of them in whoſe poſſeſſion or occupation the ſame may be and according to the poſſeſſion or occupation of each and every of them: which deeds reſpectively, and the eſtates thereby to 10
be conveyed or releaſed, ſhall be upon condition, whether therein expreſſed or not, to be and become void, in caſe the parties reſpectively, to or for whom they ſhall be executed, ſhall not, within one calendar month after notice of the execution thereof in writing, either delivered to the parties or left on the premiſes, make, ſeal and deliver, or cauſe to be made, ſealed and delivered to the aforeſaid James Van Renſſelaer, Philip I. Schuyler and Jacob R. Van Renſſelaer, as joint tenants, or to the ſurvivors or ſurvivor of them their bonds or obligations reſpectively, with condition in each caſe for the payment of ſuch ſum as the quantity of land in the poſſeſſion or occupation of the obligor or obligors ſhall amount to, according to the prices or values which ſhall have been ſo as aforeſaid eſtimated and fixed by the ſaid commiſſioners, in ſix equal yearly inſtalments, with lawful intereſt on the whole ſum annually, from the date of the ſaid award or determination, together with mortgages in fee ſimple, on the lands reſpectively, for which, ſuch bonds or obligations ſhall be given, for ſecuring the payment thereof.

VII. *Provided nevertheless, and be it further enacted,* That the 11
ſaid parties of the ſecond part reſpectively, ſhall, within one calendar month after notice of the ſaid execution of the ſaid deeds of bargain, ſale and releaſe, make, ſeal and deliver, or cauſe to be made, ſealed and delivered as aforeſaid, the bonds or obligations and mortgages aforeſaid; and in default thereof, ſuch deeds of bargain, ſale and releaſe ſhall be and become abſolutely null and void, and the parties making default ſhall forthwith ſurrender and deliver up to the ſaid parties of the firſt part, the ſaid lands in their poſſeſſion, or occupation reſpectively.

VIII. *And be it further enacted,* That if the ſaid commiſſion- 12
ers ſhall award and determine, that the ſaid right or title did not exiſt, or doth not continue as aforeſaid, as to all or any part or parts of the lands aforeſaid, then they, the ſaid parties of the firſt part, ſhall reſpectively, and within the aforeſaid term of three calendar months, well and ſufficiently releaſe to ſuch of the ſaid parties of the ſecond part reſpectively, who ſhall be poſſeſſors or occupants of the lands in reſpect whereof it ſhall have been ſo determined and awarded, all right, title, eſtate, intereſt, claim and demand, in, to or upon ſuch lands.

IX. *And be it further enacted,* That if the ſaid arbitrators ſhall 13
determine and award, that ſuch right or title did exiſt and doth continue as aforeſaid, in reſpect to all or any of the ſaid lands in the poſſeſſion or occupation of the ſaid parties of the ſecond part,

shall be and hereby are authorized to summon and order any person or persons within this state to appear before the said commissioners, to be examined and give evidence touching the matters in controversy, and also to bring with them all such deeds, books, papers, records or other written evidence, as may be required in an ordinary course of law, by *subpœna duces tecum*.

4 And that if any person summoned by writing, subscribed by the said commissioners, or any or either of them, to appear and testify, or to produce any written evidence, and having reasonable time allowed him for that purpose, and being paid, or having tendered to him a reasonable compensation for his expenses of attendance and for his loss of time, shall neglect, refuse or delay to give such attendance, or to bring such written evidence as aforesaid, such person shall forfeit for every such refusal, neglect or delay, the sum of two hundred and fifty dollars, to be recovered in any court of record having cognizance thereof, by action of debt, by and in the name of the person at whose instance he was summoned.

5 IV. *And be it further enacted*, That the said commissioners shall have power to administer an oath or affirmation to the witnesses to be examined before them, to declare the truth, touch-
6 ing the matters in question. And if any person so to be examined shall knowingly give false evidence on such examination, and shall thereof be convicted, such witness shall for such offence suffer the pains and penalties inflicted by law for wilful
7 and corrupt perjury: *Provided*, That no person shall be compelled to give any evidence other than such as he would be bound to give upon a trial at common law.

8 V. *And be it further enacted*, That if the said commissioners shall determine that such right or title as aforesaid did exist in the said John Van Rensselaer, and doth continue in his heirs or devisees, or in the heirs or devisees of such of his heirs and devisees as may be now dead, all or any of them, then and in such case it shall and may be lawful for the said commissioners, or any two of them, to estimate and fix the value or different values of the said land or parcels of land, in respect to which they shall have so determined, having regard, as to them shall seem meet and just, to all relative circumstances, and estimating such parts of the said land as may have been at any time holden or possessed under leases from the said John Van Rensselaer, deceased, or from his heirs or devisees, or any of them, in the same manner as if such leases had never existed.

9 VI. *And be it further enacted*, That in case the said commissioners shall determine and award, that such right or title did exist, and doth continue as aforesaid, in or to all or any of the said lands in the possession or occupation of all or any of the said parties of the second part, then and in such case they, the said parties of the first part respectively, or in case of the death of any of them, the heirs or devisees of the deceased shall, within three calendar months after the date of such award, by good and sufficient

ufual and neceſſary for rendering the ſaid fine or fines valid and effectual, and for facilitating theſe purpoſes, it ſhall be lawful for the ſaid parties of the ſecond part, all or any of them, to nominate an attorney or attornies of the ſupreme court of this ſtate, to appear on behalf of the cognizors, and on their behalves to acknowledge the ſaid fines, and to do and ſuffer all needful acts, matters and thi[illegible]ereby the ſaid fine or fines may be levied and perfected, a[illegible]endered valid and effectual, and to releaſe all errors therein, and in the proceſs and proceedings relating thereto.

XII. *And be it further enacted*, That the attorney or attornies ſo to be nominated ſhall, by virtue of this act be *ipso facto*, the attorney or attornies of ſuch of the ſaid parties of the firſt part for whom they ſhall have been ſo nominated, veſted with and poſſeſſing full power and authority to do and ſuffer all acts, matters and things aforeſaid, for the purpoſes laſt aforeſaid.

XIII. *And be it further enacted*, That it ſhall and may be law- 17
ful for ſuch of the ſaid parties of the firſt part, as may be infants under the age of twenty-one years, and able to write their names, to execute the deeds which purſuant to this act, or any award of the ſaid commiſſioners to be made by virtue thereof, may be neceſſary to be executed by the ſaid parties of the firſt part, or ſome of them; but as to ſuch as may be too young, and unable to 18
write their names, it ſhall be ſufficient that their guardians reſpectively, on their behalves reſpectively, ſhall and do execute the ſaid deeds.

XIV. *And be it further enacted*, That it ſhall and may be law- 19
ful for the ſaid parties of the firſt part, in caſe they or any of them think fit, by themſelves or their agents, to ſurvey or cauſe to be ſurveyed the ſaid lands, in the poſſeſſion or occupation of the ſaid parties of the ſecond part, or any of them, without hindrance or moleſtation, from the ſaid parties of the ſecond part or either of them.

XV. *And be it further enacted*, That the award and determi- 20
nations of the ſaid commiſſioners, to be made by virtue of this act, ſhall be made and put in writing, ready to be delivered to the ſaid parties, within one year from the nineteenth day of March, 1803; and that during the period laſt mentioned, the ſtatute of limitations ſhall not run againſt the ſaid parties of the firſt part, or any of them, but ſuch period ſhall be and is hereby excepted thereout.

XVI. *And be it further enacted*, That all and ſingular the truſts, 21
powers and authorities hereby granted to the ſaid commiſſioners, may be executed by any two of them, and their determination in the premiſes, ſhall be as binding and effectual as if the ſame had been made by all of them, any thing herein expreſſed to the contrary notwithſtanding.

XVII. *And be it further enacted*, That the determination of the 22
ſaid commiſſioners, by virtue of this act, ſhall be valid and conclude as well the parties aforeſaid as all perſons who may here-

all or any of them; and in case the said parties of the first part respectively, whom it may or shall concern, shall, within the said term of three calendar months, make and execute, or cause to be made and executed the deeds of bargain, sale and release aforesaid, in respect to such lands; and in case the said parties of the second part, or any of them, shall refuse or neglect to make and execute, or cause to be made and executed such bonds and mortgages as aforesaid, then, and in every such case, it shall and may be lawful for the said parties of the first part, all or any of them, to sue out original writs of right against such of the said parties of the second part as shall have so refused or neglected, and to cause the same to be returned as served and executed, though the same may not have been so served and executed, and to cause such other proceedings to be had thereupon as are usual in cases of writs of right, and accordingly to count thereupon, and to enter or cause to be entered, final or other judgment or judgments thereupon, by default, disclaimer, confession or otherwise, and thereupon to sue out and cause to be executed writs of *habere facias seisinam:*

14 And for facilitating these purposes, it shall and may be lawful for the said parties of the first part, all or any of them, to nominate an attorney or attornies of the supreme court of this state, to appear on behalf of the tenant or tenants named in such writ or writs of right, and to do and suffer all needful acts, proceedings, matters and things, whereby such judgments and executions may be obtained, had and perfected, and be made valid and effectual, and to release all errors therein, and in the process and proceedings relating thereto.

15 X. *And be it further enacted,* That the attorney or attornies, so to be nominated, shall by virtue of this act, be *ipso facto* the attorney or attornies of such of the said parties of the second part, for whom they shall have been so nominated as aforesaid, vested with and possessing full power and authority to do and suffer all acts, matters and things aforesaid, for the purposes last aforesaid mentioned.

16 XI. *And be it further enacted,* That in case the said arbitrators shall determine, that such right or title did not exist and doth not continue as aforesaid, in respect to all or any of the said lands, in the possession or occupation of all or any of the said parties of the second part; and in case the said parties of the first part respectively shall not within the said term of three calendar months, by good and sufficient deed or deeds, release to such of the said parties of the second part, who are the possessors or ocupants of the said lands, all right, title, interest, claim or demand, in, to or upon the same, then and in every such case it shall be lawful for them respectively to levy or cause to be levied a fine or fines of the said lands respectively, thereby making all or any of the said parties of the first part cognizors, and to enter or cause to be entered their appearances in their proper persons respectively, whether they shall so appear or not, and to cause to be had and done all such other and further acts, proceedings, matters and things, as are

ufual and neceſſary for rendering the ſaid fine or fines valid and effectual, and for facilitating theſe purpoſes, it ſhall be lawful for the ſaid parties of the ſecond part, all or any of them, to nominate an attorney or attornies of the ſupreme court of this ſtate, to appear on behalf of the cognizors, and on their behalves to acknowledge the ſaid fines, and to do and ſuffer all needful acts, matters and thi[illegible]ereby the ſaid fine or fines may be levied and perfected, a[illegible]endered valid and effectual, and to releaſe all errors therein, and in the proceſs and proceedings relating thereto.

XII. *And be it further enacted*, That the attorney or attornies ſo to be nominated ſhall, by virtue of this act be *ipso facto*, the attorney or attornies of ſuch of the ſaid parties of the firſt part for whom they ſhall have been ſo nominated, veſted with and poſſeſſing full power and authority to do and ſuffer all acts, matters and things aforeſaid, for the purpoſes laſt aforeſaid.

XIII. *And be it further enacted*, That it ſhall and may be law- 17
ful for ſuch of the ſaid parties of the firſt part, as may be infants under the age of twenty-one years, and able to write their names, to execute the deeds which purſuant to this act, or any award of the ſaid commiſſioners to be made by virtue thereof, may be neceſſary to be executed by the ſaid parties of the firſt part, or ſome of them; but as to ſuch as may be too young, and unable to 18
write their names, it ſhall be ſufficient that their guardians reſpectively, on their behalves reſpectively, ſhall and do execute the ſaid deeds.

XIV. *And be it further enacted*, That it ſhall and may be law- 19
ful for the ſaid parties of the firſt part, in caſe they or any of them think fit, by themſelves or their agents, to ſurvey or cauſe to be ſurveyed the ſaid lands, in the poſſeſſion or occupation of the ſaid parties of the ſecond part, or any of them, without hindrance or moleſtation, from the ſaid parties of the ſecond part or either of them.

XV. *And be it further enacted*, That the award and determi- 20
nations of the ſaid commiſſioners, to be made by virtue of this act, ſhall be made and put in writing, ready to be delivered to the ſaid parties, within one year from the nineteenth day of March, 1803; and that during the period laſt mentioned, the ſtatute of limitations ſhall not run againſt the ſaid parties of the firſt part, or any of them, but ſuch period ſhall be and is hereby excepted thereout.

XVI. *And be it further enacted*, That all and ſingular the truſts, 21
powers and authorities hereby granted to the ſaid commiſſioners, may be executed by any two of them, and their determination in the premiſes, ſhall be as binding and effectual as if the ſame had been made by all of them, any thing herein expreſſed to the contrary notwithſtanding.

XVII. *And be it further enacted*, That the determination of the 22
ſaid commiſſioners, by virtue of this act, ſhall be valid and conclude as well the parties aforeſaid as all perſons who may here-

after claim by, from or under the ſaid parties or either of them, notwithſtanding their infancy or coverture, or the infancy or coverture of either of them.

23 XVIII. *And be it further enacted*, That all perſons being poſſeſſors or occupants of any parts or parcels of the tract of land herein before mentioned, who ſhall or [illegible] any time within three calendar months from the date of [illegible]eement herein before in part recited, ſign, ſeal and deliv[illegible] ſaid agreement, ſhall, to all intents and purpoſes, be deemed and conſidered as parties to the ſubmiſſion intended by this act to be confirmed and carried into effect, in like manner as if the ſaid poſſeſſors or occupants were particularly named herein, as [illegible]ties of the ſecond part.

24 XIX. *And be it further enacted*, That the ſaid commiſſioners ſhall audit all accou[illegible] and expenſes and co[illegible]id charges which ſhall ariſe for or by reaſon of any matter or thing reſpecting the
25 truſt or power herein before ſpecified, one moiety whereof ſhall be borne and paid by the ſaid parties of the firſt part, and the other
26 by the poſſeſſors or occupants aforeſaid; and ſhall adjudge and determine the particular ſum with which each poſſeſſor or occupant ſhall be chargeable, of which they ſhall give a certificate under their hands and ſeals, and the ſame adjudication and certificate ſhall be final and concluſive; and create the ſame lien on the property of the perſon named therein as a judgment at law, and that if payment of the ſum ſo aſſeſſed ſhall not be made within thirty days after the adjudication made and certificate given, it ſhall and may be lawful for the ſaid commiſſioners, by writing under their hands and ſeals, to direct the ſheriff of any county in this ſtate to cauſe the ſum aſſeſſed, with the coſts of collection, to be made of the goods and chattels, lands and tenements of the perſon liable to the ſame payment, which money ſhall, when collected, be paid to the ſaid commiſſioners, or any or either of them; and if any money ſhall remain after ſettling the ſum to be made, with the coſts of collections, ſuch ſurplus ſhall be paid to the party on demand.

Meadows.

CHAP. XVIII.

Contents.

4. Commissioners.---5, 6. Their duties.
12. Ditches, how made.
1. Inspectors.---2. Their duties.
3. Proprietors, to pay 400 dollars for draining the Long Meadow.
6, 9. ---- May be prosecuted in case of non-payment.
7. ------- To pay an annual sum for scouring ditches.
11. ------- Wishing line ditches, how to proceed.
8. Treasurer, how and when to be chosen.---10. His duty.

13. William Wickham, damages sustained by him to be paid.---14. In case of disagreement as to amount, how determined.

An ACT *appointing Commissioners to drain the Long Meadow in Goshen and Lands adjoining.*

Passed February 26th, 1803.

WHEREAS it appears to the legislature that the tract of land called the long meadow in Goshen, in the county of Orange, is frequently overflowed with water, and thereby rendered of little value; And that the health of the inhabitants contiguous to the said meadow is endangered by the stagnant waters therein; to prevent which, and to render the said meadow more productive:

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That James Carpenter, John Wood, Joseph 1
Wood and Anthony Dobbin, or any two of them, shall be inspec-
tors, finally to settle and determine the number of acres of mea- 2
dow belonging to each proprietor or occupant in and adjoining the said long meadow, which may in their opinion be benefitted by draining or ditching the same; which settlement and determination shall be delivered in writing to the treasurer, hereafter to be chosen by virtue of this act.

II. *And be it further enacted,* That for the purpose of draining 3
the said meadow, a sum not exceeding four hundred dollars shall be paid by the proprietors and occupants thereof, in proportion to the number of acres they shall respectively own and possess, and that will be benefitted thereby, as settled and determined by the said inspectors; which sum shall be paid to Moses Hetfield, Reu- 4
ben Hopkins and Thomas Waters, commissioners, to be by them 5
applied in paying all necessary and incidental charges that shall arise in or about the business of draining the said meadow and lands adjoining, in such manner as they or the major part of them may think proper, by clearing out the main ditch and the outlet thereof, and opening and regulating such other ditches in such manner and direction as to the said commissioners or the major part of them shall appear best calculated to carry the design of this act into effect, and for the benefit of the respective proprietors and occupants of the said meadow and lands adjoining.

III. *And be it further enacted,* That each proprietor or occupant shall, within three months after the said inspectors shall have settled and determined the respective proportions of the said sum, not exceeding four hundred dollars as aforesaid, pay the same to the said commissioners or either of them; and in default thereof, 6
it shall be lawful for the said commissioners, or the survivors of them, to recover the same by an action of debt, with interest and cost, in any court having cognizance of the same.

IV. *And be it further enacted,* That for the defraying the ex- 7
pense of clearing and scouring the said main ditch and the outlet thereof, and such other ditches as shall be made by direction

and John Halbert, or any two of them, or the ſurvivors or ſurvivor of them, ſhall be inſpectors finally to ſettle and determine the number of acres of ſwamp and meadow belonging to each proprietor in ſaid tract, which may, in their opinion, be benefitted
2 by clearing and enlarging the ſaid McKnight creek; which ſettlement and determination ſhall be delivered in writing by the ſaid inſpectors, and ſigned by them, to the commiſſioners herein after named, for clearing and enlarging the ſaid creek, and paying the expenſes thereof.

3 II. *And be it further enacted*, That for the purpoſe of clearing and enlarging the ſaid creek, the ſum of five hundred dollars, ſhall be paid by the proprietors of the lands determined to be benefitted thereby, in proportion to the number of acres and the benefits they ſhall reſpectively receive as ſettled by the ſaid in-
4 ſpectors; which ſums ſhall be paid to Gideon Jennings, Iſaac Van Duyer and Joſeph Wood, jun. commiſſioners, to be by them applied in paying all incidental charges that ſhall ariſe, in and about clearing and enlarging the ſaid creek, as they or any two of them ſhall think proper, from where the ſaid creek falls into the Walkill, to the cauſeway leading to the little iſlands.

5 III. *And be it further enacted*, That each proprietor contiguous to ſaid McKnight creek, and aſſeſſed for clearing the ſame, ſhall within three months after the ſaid inſpectors ſhall have ſettled and determined the reſpective proportions of five hundred dollars, pay the ſame to the ſaid Gideon Jennings, Iſaac Van Duyer,
6 and Joſeph Wood, jun. or either of them, and in default thereof it ſhall be lawful for them or the ſurvivors or ſurvivor of them, to recover the ſame by due courſe of law, with intereſt and coſts of ſuit.

7 IV. *And be it further enacted*, That the board of commiſſioners aforementioned, are hereby authorized to diſpoſe of at public auction, for a term not exceeding twenty-one years, giving at leaſt ſix weeks previous notice thereof, by advertiſement, to be inſerted in the public newſpaper printed in the town of Goſhen, any lot or lots or undivided parts of lots contained in ſaid ſwamp or bog-meadow, the owner or owners thereof neglecting or refuſing to pay to them reſpectively, the ſum or ſums aſſeſſed thereon by the ſaid inſpectors, and give leaſe or leaſes for the ſame, to any perſon or perſons who may purchaſe ſaid lot or lots or undivided parts thereof.

8 V. *And be it further enacted*, That for defraying the expenſe of keeping the ſaid creek clear and open, the proprietors of the ſaid ſwamp and bog-meadow, ſhall for every acre, as ſettled by the ſaid inſpectors, pay ſuch ſum annually, not exceeding three cents, if a majority of them at their reſpective annual meetings, ſhall think proper to direct the ſame, to be computed from the firſt day of January, one thouſand eight hundred and four, on or before the firſt day of May in every year thereafter to the tre-
9 ſurer, to be choſen annually by a majority of ſaid proprietors, to meet for that purpoſe at the dwelling-houſe of ſaid Iſaac Van

commiſſioners for that purpoſe, the judges of the court of common pleas of ſaid county, or any two of them, not intereſted in the ſaid premiſes, are hereby authorized and required to appoint three reputable freeholders, in the ſaid town of Goſhen, not intereſted in the ſaid meadow, to appraise and aſcertain what damages (if any) the ſaid William Wickham may probably ſuſtain, by means of clearing and ſcouring the outlet of the ſaid main ditch; and on payment, or tendering to the ſaid William Wickham, the amount of the damages ſo appraiſed or aſcertained by the ſaid freeholders, or any two of them, the ſaid commiſſioners may proceed to clear out and ſcour the outlet of the ſaid main ditch; any law to the contrary in any wiſe notwithſtanding.

CHAP. LXXIII.

Contents.

4. Commissioners, for improving the swamp and bog-meadows named.---6, 7. Their duty.
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1. Inspectors, for determining the number of acres belonging to each proprietor benefitted, appointed.---2, 15. Their duty.
12. Line Ditches, expense thereof to be equally borne by adjoining proprietors.---13. Breadth and depth thereof.
16. Penalty on persons obstructing the creek, how recovered and how applied.
3. Proprietors, to pay 500 dollars in proportion to the benefits of each.---5. Within a certain period.
8. ------- To pay an annual sum for keeping ditches in repair, if a majority shall agree thereto.
10. ------- Subject to prosecution for the annual payments.
9. Treasurer to be annually chosen.---10, 11. His duties.

An ACT *making Provision for draining a Tract of Swamp and Bog in the County of Orange.*

Paſſed April 2d, 1803.

WHEREAS there is a tract of ſwamp and bog-meadow in the ſaid county of Orange, a great part of which is frequently overflowed and rendered unfit for uſe and prejudicial for agriculture, by the obstructions in a creek called McKnight creek, falling into the Walkill, to the northward of the iſlands in the drowned lands, known by the name of the great and little iſlands: *And whereas*, The proprietors of the ſaid ſwamp and bog-meadow, conceive the ſame may be rendered fit for raiſing hemp and other agricultural purpoſes by clearing out and enlarging ſaid creek: Therefore,

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Seth Marvin, Thaddeus Seely

and John Halbert, or any two of them, or the ſurvivors or ſurvivor of them, ſhall be inſpectors finally to ſettle and determine the number of acres of ſwamp and meadow belonging to each proprietor in ſaid tract, which may, in their opinion, be benefitted
2 by clearing and enlarging the ſaid McKnight creek; which ſettlement and determination ſhall be delivered in writing by the ſaid inſpectors, and ſigned by them, to the commiſſioners herein after named, for clearing and enlarging the ſaid creek, and paying the expenſes thereof.

3 II. *And be it further enacted*, That for the purpoſe of clearing and enlarging the ſaid creek, the ſum of five hundred dollars, ſhall be paid by the proprietors of the lands determined to be benefitted thereby, in proportion to the number of acres and the benefits they ſhall reſpectively receive as ſettled by the ſaid in-
4 ſpectors; which ſums ſhall be paid to Gideon Jennings, Iſaac Van Duyer and Joſeph Wood, jun. commiſſioners, to be by them applied in paying all incidental charges that ſhall ariſe, in and about clearing and enlarging the ſaid creek, as they or any two of them ſhall think proper, from where the ſaid creek falls into the Walkill, to the cauſeway leading to the little iſlands.

5 III. *And be it further enacted*, That each proprietor contiguous to ſaid McKnight creek, and aſſeſſed for clearing the ſame, ſhall within three months after the ſaid inſpectors ſhall have ſettled and determined the reſpective proportions of five hundred dollars, pay the ſame to the ſaid Gideon Jennings, Iſaac Van Duyer,
6 and Joſeph Wood, jun. or either of them, and in default thereof it ſhall be lawful for them or the ſurvivors or ſurvivor of them, to recover the ſame by due courſe of law, with intereſt and coſts of ſuit.

7 IV. *And be it further enacted*, That the board of commiſſioners aforementioned, are hereby authorized to diſpoſe of at public auction, for a term not exceeding twenty-one years, giving at leaſt ſix weeks previous notice thereof, by advertiſement, to be inſerted in the public newſpaper printed in the town of Goſhen, any lot or lots or undivided parts of lots contained in ſaid ſwamp or bog-meadow, the owner or owners thereof neglecting or refuſing to pay to them reſpectively, the ſum or ſums aſſeſſed thereon by the ſaid inſpectors, and give leaſe or leaſes for the ſame, to any perſon or perſons who may purchaſe ſaid lot or lots or undivided parts thereof.

8 V. *And be it further enacted*, That for defraying the expenſe of keeping the ſaid creek clear and open, the proprietors of the ſaid ſwamp and bog-meadow, ſhall for every acre, as ſettled by the ſaid inſpectors, pay ſuch ſum annually, not exceeding three cents, if a majority of them at their reſpective annual meetings, ſhall think proper to direct the ſame, to be computed from the firſt day of January, one thouſand eight hundred and four, on or before the firſt day of May in every year thereafter to the trea-
9 ſurer, to be choſen annually by a majority of ſaid proprietors, to meet for that purpoſe at the dwelling-houſe of ſaid Iſaac Van

Buyer: And in caſe any of the ſaid proprietors ſhall neglect to 10
pay annually, on the firſt day of May, ſuch ſum, not exceeding three cents per acre, as ſettled by the ſaid inſpectors as aforeſaid, the treaſurer for the time being may ſue for and recover the ſame before any juſtice of the peace in the ſaid county, with intereſt and coſts of ſuit; which treaſurer ſhall apply the money, or ſuch 11
parts thereof as he may deem neceſſary, for clearing and enlarging the ſaid creek, and ſhall alſo render an account of the expenditures of the ſaid monies to the ſaid proprietors, ſo met as aforeſaid; and the monies (if any) with the papers and accounts reſpecting ſaid ſwamp and bog-meadow, he ſhall deliver to the treaſurer who may be choſen to ſucceed him.

VI. *And be it further enacted*, That when any proprietor or oc- 12
cupant of the ſaid ſwamp and bog-meadow, ſhall be deſirous of having one or more line ditch or ditches made therein, ſhall give at leaſt thirty days notice of his or her intention to the perſon or perſons owning or poſſeſſing the part or parts adjoining; and if after ſuch notice any perſon or perſons ſhall neglect or refuſe to make one equal half part of ſaid ditch or ditches, the perſon ſo giving notice may proceed to dig ſuch ditch or ditches, and may ſue the other party or parties reſpectively, for the one half of the expenſe thereof, before any juſtice of the peace of ſaid county, and ſhall recover the ſame, with intereſt and coſts of ſuit; and further, that all line ditches as aforeſaid, ſhall be cut four feet 13
wide and two and an half feet deep, unleſs the parties ſhall otherwiſe determine and agree.

VII. *And be it further enacted*, That when one or more of the 14
ſaid proprietors ſhall think it neceſſary, that any other ditch or ditches ſhould be cut in the ſaid ſwamp and bog-meadow, and the perſon or perſons intereſted therein cannot agree reſpecting the ſame, the ſaid inſpectors, or any two of them, ſhall determine 15
whether ſuch ditch or ditches will be neceſſary; and if the ſaid inſpectors, or any two of them, ſhall think ſuch ditch or ditches neceſſary to be made, they ſhall determine in what place or places the ſame ſhall be made, and the ſize thereof, and who ſhall pay the expenſe thereof, with all incidental charges attending the ſame: And in caſe either of the parties ſhall neglect to comply with ſuch determination, the perſon or perſons deſirous of having ſuch ditch or ditches made may proceed to make the ſame, and is and are hereby fully authorized to ſue for and recover, in manner directed reſpecting line ditches, of each perſon intereſted, their reſpective proportions of the expenſe thereof, together with intereſt, coſts and incidental charges.

VIII. *And be it further enacted*, That if any perſon or perſons 16
ſhall at any time after the paſſing of this act, make or cauſe to be made any eel or fiſh wier, or otherwiſe deſignedly obſtruct ſaid creek, in any part between the ſaid Walkill and where the ſame is directed to be cleared and opened by this act, that ſuch perſon or perſons ſhall, upon conviction thereof by one or more credible witneſſes, before any juſtice of the peace in the county aforeſaid,

pay the sum of twenty dollars, one half thereof to the use of the informer, and the other half to be paid to the treasurer of the proprietors of the said creek so obstructed, to be chosen as aforesaid, and to be applied by him towards clearing and enlarging the said creek, which treasurer is hereby empowered to sue for and recover the same in an action in his own name, and when recovered shall pay one half thereof to the informer, and account to the said proprietors for the other half as treasurer aforesaid; and if any such obstruction shall be made by a slave or slaves, upon conviction as aforesaid, the master or mistress of such slave or slaves, shall be liable to pay the said sum of twelve dollars and fifty cents.

Churches.

CHAP. LXVI.

CONTENTS.

1. Christ Church in Germantown, trustees of, authorized to sell certain wood land.
2. Religious Corporations, other than chartered ones, may reduce the number of their trustees.

An ACT *to authorize the Trustees of the Lutheran Church, called Christ Church, in Germantown, in the County of Columbia, to sell certain Wood Land for the Benefit of said Church and Congregation, and for authorizing the Reduction of the Number of Trustees in Religious Societies.*

Passed April 2d, 1803.

WHEREAS the said trustees, by the approbation and direction, and for the benefit of the said church and congregation, by their petition presented to the legislature have prayed for leave to sell and dispose of a certain parcel of wood land belonging to said church, containing about thirty acres, situate, lying and being in the town aforesaid, which, by reason of the distance from said church, and the frequent waste committed thereon, is rendered unprofitable and decreasing in value: Therefore,

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That full power, good right and lawful authority, shall be and is hereby granted to the trustees of the said church and congregation, to sell and alien in fee all right and title belonging to the said church and congregation, or vested in them as trustees, of and in all or any part of the said thirty acres of wood land, for the best price they can obtain for the same; and the monies arising from the sale thereof or any part thereof, to be applied in such manner as the said trustees and congregation shall think most beneficial for the interest of said church.

II. *And be it further enacted*, That whenever any religious corporation within this ſtate, other than the chartered corporations, ſhall deem it neceſſary, and for the intereſt of ſuch religious corporation, to reduce their number of truſtees, that it ſhall and may be lawful for any ſuch religious corporation to reduce their number of truſtees at any annual meeting: *Provided*, That ſuch reduction ſhall not be ſuch as to have a leſs number than three truſtees in any one of the ſaid religious corporations.

CHAP. LXVII.

An ACT *to authorize the Trustees of the Presbyterian Church and Congregation of the Town of Greenburgh, to sell and dispose of the Lands belonging to the said Congregation, for the Purposes therein mentioned.*

Paſſed April 2d, 1803.

WHEREAS the truſtees of the Preſbyterian church and congregation of the town of Greenburgh, in the county of Weſtcheſter, have by their petition preſented to the legiſlature, prayed for leave to ſell the land and church belonging to the ſaid congregation, for the purpoſe of diſcharging certain debts contracted in building the ſaid church, which debts the ſaid truſtees are unable to pay without ſelling the ſaid church and land: Therefore,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That full power, good right and lawful authority, ſhall be and hereby is granted to the truſtees of the ſaid church and congregation to ſell and alien in fee, all right and title belonging to the ſaid church and congregation, or veſted in the truſtees thereof, of and in the land belonging to the ſaid church and congregation, ſituate, lying and being in the ſaid town of Greenburgh, in the county of Weſtcheſter, and all buildings and erections thereon: *Provided always*, That the monies ariſing from the ſale thereof, ſhall be held by the ſaid truſtees for the uſe of the ſaid church and congregation, in like manner as the ſaid church and land are now held by or veſted in them.

Relief.

CHAP. XXVII.

CONTENTS.

1. Collectors of Taxes for Cayuga county, time for their settlement with the treasurer extended.
2. Treasurer of Cayuga county, his duty.
3. ------- Of Steuben county, time extended to him for performance of certain duties.

An ACT *for the Relief of the Collectors of Taxes in the County of Cayuga, and for other Purposes.*

Passed March 4th, 1803.

WHEREAS it is represented to the legislature, that from unavoidable accidents, several collectors of taxes in the county of Cayuga, were unable to settle with the county treasurer agreeable to law: Therefore,

1 I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the time be extended to the first Tuesday of July next, for Mathew Gray, John Simpson and other collectors of taxes in the county of Cayuga, to settle with the treasurer of said county.

2 II. *And be it further enacted*, That the present treasurer of the county of Cayuga shall, and he is hereby directed to settle with the said Mathew Gray, John Simpson and others, collectors of taxes in said county, who have not already settled with the treasurer of said county, and return the arrears of taxes due from non-residents to the comptroller's office, agreeable to the act, entitled "An act for the assessment and collection of taxes," passed the 8th day of April, 1801.

And whereas, It is represented to the legislature, by the petition of the supervisors of the county of Steuben, that an omission has taken place in returning the affidavits of the several collectors, and the arrears of taxes due from non-residents to the comptroller's office agreeable to law: Therefore,

3 III. *Be it further enacted*, That the time be extended to the first Tuesday of July next, for the treasurer of the county of Steuben, to return the affidavits together with the arrears of taxes due from non-residents to the comptroller's office, agreeable to the act, entitled "An act for the assessment and collection of taxes." passed the 8th day of April, 1801.

CHAP. XXVIII.

Contents.

1. Chancellor to appoint Trustees.---7. May appoint others in case of vacancy.
2, 3. ----- May order a part or the whole of the real estate to be sold.
6. ------- May direct purchase money to be paid by instalments or otherwise.
4. Trustees to give bond.
5. Widow to release her right of dower to purchasers.

An ACT *for the Relief of the Representatives of Charles Tillinghast.*

Passed March 8th, 1803.

1 I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall be lawful for the chancellor of this state, to appoint two or more trustees with full

power and authority to grant, bargain, ſell, and convey from time to time, ſo much of the real eſtate of which Charles Tillinghaſt, late of the city of New-York, deceaſed, died ſeiſed, for the beſt price which can be had for the ſame, as he ſhall deem neceſſary 2
for the maintenance and education of the widow and infant children of the ſaid Charles Tillinghaſt; and to diſpoſe of and apply the monies ariſing from ſuch ſales for the purpoſes aforeſaid, in ſuch manner as the ſaid chancellor ſhall from time to time order and direct: *Provided always*, That if the ſaid chancellor ſhall 3
deem it moſt beneficial for the ſaid widow and infant children of the ſaid Charles Tillinghaſt, it ſhall be lawful for him to order and direct the whole of the ſaid real eſtate to be diſpoſed of at once by the ſaid truſtees, under the reſtrictions and regulations preſcribed by this act.

II. *And be it further enacted*, That the ſaid truſtees, before 4
they enter on the the execution of the ſaid truſt, ſhall give bond to the ſaid widow and infant children of the ſaid Charles Tillinghaſt, with ſuch ſureties and penalty as the chancellor ſhall direct, conditioned for the faithful execution of the ſaid truſt, and to render a juſt and true account thereof, and apply and diſpoſe of the monies coming into their hands, according to the order and direction of the chancellor; which bond ſhall be filed in the office of the aſſiſtant regiſter of the court of chancery, for the uſe of the ſaid widow and infant children.

III. *And be it further enacted*, That the ſaid widow of the ſaid 5
Charles Tillinghaſt, before ſhe ſhall be entitled to receive any part of the proceeds of the ſales to be made as aforeſaid, by the ſaid truſtees, ſhall execute to the purchaſer or purchaſers, their heirs and aſſigns, a releaſe of her right of dower in and to the premiſes ſo ſold.

IV. *And be it further enacted*, That in caſe the chancellor ſhall 6
deem it moſt beneficial for the ſaid widow and infant children, that the purchaſe money for the lands to be ſold as aforeſaid ſhould be payable by inſtalments, it ſhall be lawful for him to direct and authorize the ſaid truſtees to take ſuch ſecurity for the ſaid purchaſe money, and to make it payable by ſuch inſtalments as he ſhall deem juſt and reaſonable.

V. *And be it further enacted*, That in caſe the truſtees to be ap- 7
pointed as aforeſaid, ſhall die before the execution of the ſaid truſt ſhall be completed, it ſhall be lawful for the chancellor to appoint other truſtees in their ſtead who ſhall in all reſpects conform to the directions of this act.

CHAP. XXXIV.

Contents.

1. Treasurer to pay Robert Boyd and Peter Coruth 300
2. ——— Seth R. Kneeland - - - 347.75 } dollars.
3. ——— Barzillai Dusenbury - - - 124

An ACT *for the Relief of Robert Boyd and others.*

Paſſed March 16th, 1803.

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the treaſurer pay, on the arrant of the comptroller, to Robert Boyd and Peter Coruth, e ſum of three hundred dollars; and which warrant the treaurer is hereby directed to pay out of any monies in the treaſury ot otherwiſe appropriated.

II. *And be it further enacted*, That the treaſurer pay, on the arrant of the comptroller, to Seth R. Kneeland, the ſum of ree hundred and forty-ſeven dollars and ſeventy-five cents; and hich warrant the treaſurer is hereby directed to pay out of any onies in the treaſury not otherwiſe appropriated.

III. *And be it further enacted*, That the treaſurer pay, on the arrant of the comptroller, to Barzillai Duſenbury, the ſum of e hundred and twenty-four dollars; and which warrant the eaſurer is hereby directed to pay out of any monies in the treary not otherwiſe appropriated: *Provided nevertheleſs*, That the id Robert Boyd and Peter Coruth, Seth R. Kneeland and Barllai Duſenbury, or their legal repreſentatives, ſhall, upon the ceipt of the monies aforeſaid, ſign and deliver to the comptrolr a full releaſe to the people of this ſtate.

CHAP. LI.

An ACT *for the further Relief of John Bailey.*

Paſſed March 26th, 1803.

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it ſhall be lawful for the comiſſioners of the land-office, to iſſue letters patent to John Bailey, r eight thouſand acres of land in Totten and Croſsfield's purhaſe, according to the directions of the act, entitled "An act r the relief of John Bailey," paſſed the 12th day of March, 1793, n his producing to the ſaid commiſſioners ſatisfactory evidence, at he is inveſted with the right and title of William Baron, avid Stone, Noah Porter and Joſhua Lack, to the lands menoned in the ſaid recited act.

CHAP. LIII.

CONTENTS.

Collectors of Taxes in Ontario county, their returns in 1801 and 1802, made valid.
M. Bartlet and J. Bonny, to be credited a certain sum on account.
Stephen Todd, jun. time extended to him for settling as collector of taxes.
Treasurer of Montgomery, his duty.

An ACT *for the Relief of Stephen Todd, junior, and others.*

Passed March 26th, 1803.

WHEREAS it is represented to the legislature, that from unavoidable accidents Stephen Todd, junior, collector of taxes in the town of Salisbury, in the county of Montgomery, was unable to settle with the county treasurer agreeable to law: Therefore,

I. *Be it enacted by the people of the State of New-York, represented in Senate and Assembly*, That the time be and hereby is extended 1
to the first Tuesday of July next, for the said Stephen Todd, junior, to settle with the treasurer of said county.

II. *And be it further enacted*, That the treasurer of the county 2
of Montgomery, shall, and he is hereby directed to settle with the said Stephen Todd, junior, as collector of taxes as aforesaid, and return the arrears of taxes due from non-residents to the comptroller's office, agreeable to the act, entitled "An act for the assessment and collection of taxes."

Whereas, It is represented that the oath prescribed in and by the twelfth section of the act, entitled "An act for the assessment and collection of taxes," was taken by the several collectors of the county of Ontario, for the years one thousand eight hundred and one and one thousand eight hundred and two, before the clerk of the treasurer of the said county, instead of the said treasurer: Therefore,

III. *Be it further enacted*, That the several accounts and returns 3
of the said collectors, made to the office of the said treasurer in the said two years, shall be as valid and effectual as if they had taken the said oath before the said treasurer.

And whereas, It appears to the legislature that Moses Bartlett and Jerris Bonny, of Salem, in the county of Washington, were in the year 1800, surcharged in the tax-list of the said town, each the sum of sixteen dollars and seventy-three cents, the whole of which tax has been returned by the county treasurer to the comptroller as part of the arrears of said town: Therefore,

IV. *Be it further enacted*, That the comptroller is hereby au- 4
thorized and required to credit the said Moses Bartlett and Jerris Bonny, the sum of sixteen dollars and seventy-three cents on each of their accounts respectively.

CHAP. LXI.

Contents.

3. Comptroller, to stay prosecutions against purchasers who pay the interest.
4. ------- To prosecute those who do not pay the interest.
5. Debts due to the state, how prosecuted.
1. Interest, time extended for the payment of.
6. ------- Payments heretofore made on principal, may be applied to the discharge of.

7. Pre-emption, to lands in the Cayuga reservation, benefits of a certain act, extended to persons having the right of.
2. Principal, time extended for the payment of, to such as shall pay the interest.

An ACT *for the Relief of the Purchasers of Land in the Cayuga, Oneida and Onondaga Reservations.*

Passed March 28th, 1803.

WHEREAS it is represented to the Legislature, by the purchasers of lands in the Cayuga, Oneida and Onondaga reservations, that the immediate payment of the whole amount of the interest due to the state for their purchases, and the payment of such part of the principal as will soon become due, would greatly embarrass them in their present situation: Therefore,

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That there be allowed to the said
1 purchasers nine months from the first day of May next, for the payment of the one half of the interest due, and to grow due on the said purchases, and the term of one year from and after the expiration of the said nine months, for the payment of the residue of the said interest.

2 II. *And be it further enacted*, That the time of payment of the principal sums due from such of the said purchasers as shall pay the interest due on their respective purchases in manner aforesaid, shall be extended and paid in four equal instalments, that is to say, the first on the first Tuesday of July, in the year one thousand eight hundred and eight; the second on the first Tuesday of July, in the year one thousand eight hundred and nine; the third on the first Tuesday of July, in the year one thousand eight hundred and ten; the fourth and last on the first Tuesday of July, in the year
3 one thousand eight hundred and eleven; and that the comptroller stay all prosecutions against such of the said purchasers as shall pay the interest due on their said purchases as above directed.

4 III. *And be it further enacted*, That it shall be the duty of the comptroller, to prosecute without delay such of the said purchasers as shall refuse or neglect to pay into the treasury, within the respective periods above limited, or either of them, the interest due or to grow due on the said purchases as aforesaid.

5 IV. *And be it further enacted*, That in all cases where debts are due to the people of this state, by several mortgages, contracts or obligations, executed by the same person, only one suit shall be commenced against the debtor or his representatives for the monies so due.

6 V. *And be it further enacted*, That the payments which have heretofore been made, on account of any of the said purchases in the Oneida, Onondaga and Cayuga reservations shall be applied towards discharging the interest due on such purchases, and in case such payment shall exceed the interest, the excess shall be applied to the reduction of the principal of the said purchases.

VI. *And be it further enacted*, That the ſecond ſection of the act, 7
entitled " An act granting relief to purchaſers of lands in the late Onondaga and Cayuga reſervations," ſhall be and is hereby extended to all perſons who were entitled by virtue of any former ſtatute of this ſtate, to the right of pre-emption to any lands ſituate in the late Cayuga reſervation.

CHAP. LXV.

An ACT *for the Relief of John Henry and Lydia his Wife, and for the Relief of John James Labouisse.*

Paſſed April 2d, 1803.

I. BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That it ſhall and may be lawful for John Henry and Lydia his wife, and John James Labouiſſe, to take and hold, by purchaſe or deſcent, lands, tenements and hereditaments, within this ſtate, to them reſpectively, and to their reſpective heirs and aſſigns for ever, as fully to all intents and purpoſes as any natural born citizen may or can do.

II. *And be it further enacted*, That no lands, tenements or hereditaments in this ſtate heretofore taken, held or purchaſed by any of the perſons before named, ſhall be conſidered as having eſcheated to the people of this ſtate by reaſon or on account of ſuch perſons being aliens, but the ſame ſhall be deemed to have veſted in the ſame manner as if ſuch perſons reſpectively had been naturalized.

CHAP. LXXII.

An ACT *for the Relief of the Heirs of Archibald Campbell, deceased.*

Paſſed April 2d, 1803.

I. BE *it enacted by the People of the State of New-York repreſented in Senate and Aſſembly*, That it ſhall be lawful for Gerrit Van Sante and Chloe Campbell, executor and executrix of the laſt will and teſtament of John Campbell, deceaſed, who was one of the executors of, and deviſees under the laſt will and teſtament of the ſaid Archibald Campbell, deceaſed, and Fenner Palmer, Thomas Hoag and Syche Campbell, executors and executrix of the laſt will and teſtament of Jacob Campbell, deceaſed, who was one other of the executors of and deviſees under the ſaid laſt will and teſtament of the ſaid Archibald Campbell, deceaſed, and Samuel Vail and Silas W. Howell, the guardians of Thomas Campbell and William Campbell, two of the infant deviſees of the ſaid Archibald Campbell, deceaſed, under the direction of the chancellor of this ſtate, to execute conveyances to Eliſha Crane and the legal repreſentatives of Platt Smith, deceaſed, for ſuch parcels of the real eſtate of the ſaid Archibald Camp-

bell, deceaſed, as he, the ſaid Archibald Campbell, has bound himſelf and his heirs, by written contracts, to convey to the ſaid Eliſha Crane and Platt Smith, or either of them, their or either of their legal repreſentatives; and that the conveyances ſo to be executed purſuant to this act, ſhall be as valied to all intents whatſoever, as if the ſame had been made by the ſaid Archibald Campbell in his life time.

II. *And be it further enacted*, That it ſhall be lawful for the aforeſaid executors, executrixes and guardians to cauſe the real eſtate of the ſaid Archibald Campbell, to be laid out into ſuch and ſo many lots as ſhall be neceſſary for the purpoſe of a fair and equal diviſion of the ſaid real eſtate, among the deviſees of the ſaid Archibald Campbell; and that a correct return of the ſurvey of the ſaid lots ſhall be exhibited to the chancellor; and that in caſe the chancellor ſhall be ſatisfied that ſuch ſurvey has been ſo made as to admit of a fair and equal diviſion of the ſaid real eſtate among the deviſees aforeſaid, it ſhall be lawful for the ſaid chancellor to cauſe the ſaid lots to be balloted for, in ſuch manner as he ſhall deem juſt, and to certify, under his hand and ſeal, to which of the ſaid deviſees any of the ſaid lots ſhall on ſuch balloting be drawn: which certificate, with a fair copy of the aforeſaid ſurvey thereunto annexed, ſhall be filed, and remain of record in the office of the ſecretary of this ſtate, and ſhall be concluſive evidence of the diviſion of the ſaid real eſtate among the aforeſaid deviſees; any law to the contrary notwithſtanding.

CHAP. LXXIV.

An ACT *for the Relief of Angus M'Lean.*

Paſſed April 2d, 1803.

I. BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That the ſurveyor-general ſhall by a ſurveyor thereunto by him deputized, cauſe a ſurvey to be made of lot number forty, in the townſhip of Junius, in the county of Cayuga, and to aſcertain how much, if any, of the ſaid lot is covered with water, which ſaid ſurveyor ſhall make a return of ſuch ſurvey to the ſurveyor-general under oath, and the ſaid ſurvey ſhall be made at the expenſe of the ſaid Angus M'Lean, who ſhall previous thereto, depoſit in the hands of the ſurveyor-general, the ſum of thirty dollars, which money he ſhall apply to defray the charge and expenſe of ſuch ſurvey, and return the overplus if any there be to the ſaid Angus M'Lean.

II. *And be it further enacted*, That if it ſhall appear to the ſurveyor-general from the ſaid ſurvey, that more than fifty acres of the ſaid lot is covered with water, he ſhall thereupon make a report to the commiſſioners of the land-office, of the number of acres of the ſaid lot which ſhall be covered with water, who ſhall cauſe letters patent to be iſſued to the ſaid Angus M'Lean, for ſo

many acres of either of the lots which were reserved for that purpose in the said town of Junius, and not already appropriated, as shall be equal to the number of acres of the said lot, which shall appear from the said survey to be covered with water.

CHAP. LXXVIII.

An ACT *for the Relief of Peter Edmund Elmendorf.*

Passed April 4th, 1803.

WHEREAS it appears that there remain deposited in the surveyor-general's office, class rights, the property of Peter Edmund Elmendorf, which while the laws authorizing locations were in force, entitled him to locate and receive a grant of three hundred and forty acres of unappropriated land, but which has not been granted: Therefore,

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the commissioners of the land-office, be and they are hereby authorized and required, to grant unto the said Peter Edmund Elmendorf, his heirs and assigns, the said quantity of three hundred and forty acres of vacant land, in the Eastern district of this state, not otherwise appropriated or reserved for special purposes by law: *Provided,* That all the expenses of the survey thereof, and the other incidental expenses that may arise thereon, shall be paid by the said Peter Edmund Elmendorf.

CHAP. LXXIX.

An ACT *for the Relief of Johan Keyser and others.*

Passed April 4th, 1803.

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly,* That it shall be lawful for the comptroller to release to Johan Keyser, Frederick Ousterhoudt, Jacob J. Failing, Frederick Bellinger, Michael N. Pauter, Hendrick Bellinger and Christian Graff, all the quit rents due or to grow due on the farms belonging to and in their actual occupation, at any period of the late revolutionary war, and which they were respectively obliged to quit on account of the said war: *Provided,* That the said Johan Keyser, Frederick Ousterhoudt, Jacob J. Failing, Frederick Bellinger, Michael N. Pauter, Hendrick Bellinger and Christian Graff, shall produce to the comptroller a certificate or certificates, signed by one of the judges of the court of common pleas in and for the county of Montgomery, specifying that they were severally attached to the American cause during the said war, and were obliged to quit their respective farms on account thereof; and also specifying the number of acres which it shall appear to such judge were contained in their said farms: *And provided further,* That such certificate or certificates shall not entitle any of the said persons to a release of quit rents for more than one hundred and fifty acres.

6 III. *And be it further enacted*, That the said appraisers shall within thirty days after notice of their being chosen or appointed as aforesaid, severally take and subscribe an oath before one of the justices of the peace of the county in which such land shall be, well and faithfully to preform the trust reposed in them by this
7 act, without favour or partiality to either of the parties, and thereupon view the said improvements, and make and subscribe an appraisement thereof in writing, under their hands and seals, or under the hands and seals of any two of them, and deliver a copy thereof to each of the said parties, if required, and file the original in the office of the clerk of the county where the said lands shall be
8 situated; and that each of the said appraisers shall be entitled to three dollars per day for his services, including his reasonable expenses, one moiety whereof shall be paid by each of the said parties whenever the said appraisement shall be completed.

9 IV. *And be it further enacted*, That in all cases where any of the said lands shall be settled in manner aforesaid, the person or persons claiming any title thereto, or any part thereof, shall commence an action for the recovery thereof within five years after the passing of this act, and prosecute the same to effect, without wilful delay, or be for ever thereafter barred from recovering
10 the same: *Provided always*, That if any person or persons claiming such title be feme covert, under age or insane, such person or persons shall be permitted to bring such action within five years after such disabilities shall be removed: *And provided also*, That if the person or persons bringing such action shall, before the same be commenced, demand possession of such land from the occupant thereof, and offer to have the value of the improvements thereon appraised according to the provisions of this act, and to pay the amount of such appraisement, and the said occupant shall neglect or refuse to join in such appraisement, or to receive the money at which the said improvements shall be valued the plaintiff shall in case he obtains judgment against the defendant, or prevail in such action, recover costs, to be taxed against the said defendant or tenant; but if such demand, offer and refusal as aforesaid shall not have been made prior to the bringing such action, the plaintiff therein shall recover no costs.

11 V. *And be it further enacted*, That it shall be the duty of the commissioners appointed by and in pursuance of the act, entitled "An act to settle disputes concerning the titles to lands in the county of Onondaga," to make out a list of all the lots in the counties of Onondaga and Cayuga, which appear to them to have escheated to the people of this state; which list they shall deliver
12 to the attorney-general, whose duty it shall be, if he shall have reason to believe that the whole, or any part of the said lands mentioned in the said list, or any other lands in the said counties, shall have escheated as aforesaid, to cause such writ of inquisition and seizure, to be sued out and executed as is directed by the act, entitled "An act concerning escheats," passed the twenty-fourth day of March, one thousand eight hundred and one, and when it shall be found by any such inquisition, that any such lands

3. Lands, value of improvements on, how ascertained.
9. ------- Persons claiming title to, to commence an action for the recovery within five years.---10. Provisos relative to.
14. Land-Office, commissioners of, their duty on application to them for the purchase of escheated lots.
18. ------- Five of, to form a quorum.
20. ------- In the absence of the governor to appoint a chairman.
21. ------- The consent and approbation of the governor necessary to make valid the acts of.
1. Officers and Soldiers, who died previous to March 17, 1783, titles to lands granted by letters patent to, declared to have been vested in them at the time of their death.
19. Secretary, made his duty to convene the commissioners of the land-office, whenever necessary.
14, 15. Surveyor-General, to cause escheated lots to be surveyed.
17. ------- Appointed one of the commissioners of the land-office.

An ACT *granting Relief to certain Persons claiming Title to Lands in the Counties of Cayuga and Onondaga.*

Passed April 5th, 1803.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the title to all lands here- 1
tofore granted by letters patent, to officers and soldiers serving in the line of this state, in the army of the United States, in the late war with Great-Britain, and who died previous to the twenty-seventh day of March, one thousand seven hundred and eighty-three, shall be and hereby is declared to have been vested in the said persons at the time of their deaths respectively.

II. *And be it further enacted*, That in all cases where any per- 2
son or persons, shall have actually settled on any lands granted by the said letters patent, under colour of a *bona fide* purchase by him or them made, and in any action to be instituted for the recovery of such lands, a judgment or decree shall pass against the defendant or tenant, the plaintiff or defendant shall not be permitted to sue out a writ of possession or seisin thereon, or in any manner to divest the said defendant or tenant of the possession of such lands, until he shall have paid the defendant or tenant the value of the improvements made thereon by the said defendant or tenant, or by the person or persons under whom the said defendant or tenant shall hold such possession, deducting thereout a reasonable compensation for the use and occupation of the said lands; which said value of the said improvements and compensation for 3
the use and occupation of the lands, in case of disagreement, as to the amount thereof between the parties, shall be ascertained by the 4
appraisement of three disinterested freeholders, to be mutually chosen by the said parties; and in case the said parties cannot 5
agree in the choice of the whole or any number of the said appraisers, then it shall be lawful for the chancellor of this state, upon the application of either of the said parties, and satisfactory proof given to him by the applicant of such disagreement, and is hereby made his duty in such case, by writing under his hand, to appoint such appraisers as shall not be agreed on by the said parties.

meeting of the said commissioners, appoint a chairman to preside at such meeting: *Provided always*,

21 X. *And be it further enacted*, That the consent and approbation of the person administering the government of this state, shall be and hereby is declared to be necessary, in order to the validity of every act and proceeding of the said land-office.

CHAP. XCIII.

An ACT *for the Relief of Isaac Lytle.*

Passed April 5th, 1803.

WHEREAS it appears that there remains deposited in the surveyor-general's office, a class right the property of Isaac Lytle, which while the laws authorizing locations were in force, entitled him to locate and receive a grant of two hundred acres of unappropriated land, but which has not been granted: Therefore,

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the commissioners of the land-office be, and they are hereby authorized and required, to grant unto the said Isaac Lytle, his heirs and assigns, the said quantity of two hundred acres of vacant land, lying in the Eastern district of this state, not otherwise appropriated or reserved for special purposes by law: *Provided*, That all the expenses of the survey thereof, and the other incidental expenses that may accrue thereon, shall be paid by the said Isaac Lytle.

CHAP. XCV.

Contents.

1. Lands to be granted to Seth Tobey.
2. An Island to Warren Ferris.

An ACT *for the Relief of Seth Tobey, and for other Purposes.*

Passed April 5th, 1803.

WHEREAS it appears to the legislature, that Benjamin Allen, deceased, was by virtue of an act, entitled "An act for the relief of Benjamin Birdsall and his associates, entitled to a grant of a lot of land known as lot number twenty-eight, lying in the county of Clinton, and being part of a tract of land granted to the said Benjamin Birdsall and his associates; *And whereas*, It further appears that Seth Tobey, of the city of Hudson, hath become equitably entitled to the said lot of land and ought to have a grant thereof: Therefore,

I. *BE it enacted by the People of the State of New-York, repre-*
1 *sented in Senate and Assembly*, That it shall and may be lawful for the commissioners of the land-office, and they are hereby required to issue letters patent granting to the said Seth Tobey, his heirs and assigns, the aforesaid lot of land.

2 II. *And be it further enacted*, That it shall and may be lawful for the commissioners of the land-office, and they are hereby di-

have escheated, the attorney-general shall make report thereof to the commissioners of the land-office.

VI. *And be it further enacted*, That if any person shall, in his own 12
right, be in the actual occupation, and that if any person who shall, previous to the passing of this act, have been in the actual occupation of any lands, which shall appear from the said report to have escheated to the people of this state, and such person or his legal representatives shall make application to the said commissioners for the purchase thereof, it shall be the duty of the said commissioners of the 14
land-office to direct the surveyor-general to cause to be surveyed and laid off not exceeding two hundred acres of the lot so applied for, in such manner as to include the improvements of such applicant, and to cause the value thereof at the time such improvement commenced to be ascertained, by the appraisement of two persons to be appointed by the surveyor-general; which survey and appraisment shall be at the expense of the said applicant; and the surveyor-general shall make a report to the said commissioners of the bounds of such lands so surveyed, and of the appraised value thereof; and thereupon the said commissioners shall cause letters patent to be issued to the said applicant for the same: *Provided*, The said applicant shall, before the issuing thereof, pay into the treasury of this state one fifth part of the said appraised value, and secure the payment of the residue thereof in seven years thereafter, with interest annually at six per cent by a bond and mortgage on the said land, executed to the people of this state, and delivered to the comptroller: *Provided also*,

VII. *And be it further enacted*, That when there shall be more 15
than one actual occupant on any one lot, which shall have escheated as aforesaid, it shall be the duty of the surveyor-general, to survey and lay out the said lot into as many parts as there are actual occupants thereon, and in such manner as to include the improvements of each of the said occupants, and in such proportions among them as he shall think proper, and the letters patent shall be issued according to such survey.

VIII. *And be it further enacted*, That the rules of descent, es- 16
tablished by the act, entitled "An act to abolish entails, to confirm conveyances by tenants in tail, to regulate descents and to direct the mode of conveyances to joint tenants," shall apply to and govern in all the cases provided for by the first section of this act, except where the lands, specified in any of the letters patent therein mentioned or any part thereof, are held by *bona fide* purchasers or devisees, under any person or persons who would have been the heirs at law of the patentees if this provision had not been made.

IX. *And be it further enacted*, That the surveyor-general of 17
of this state, shall be and continue one of the commissioners of the land-office; and that any five of the said commissioners shall con- 18
stitute a board for the transaction of business; and that it shall 19
be the duty of the secretary of this state, to convene the said commissioners when and as often as may be necessary; and in case of 20
the absence of the person administering the government of this state, at any meeting of the said commissioners, they shall at any

IV. *And be it further enacted*, That the commissioners of the land-office be and they are authorized and required to issue letters patent, under the great seal of this state, to John Denny, late a lieutenant in the line of this state, serving in the army of the United States, as a gratuity for his services in the late American war, for two hundred acres of land in the tract set apart for the use of the line of this state, for and during the life of the said John Denny and his wife, with remainder to the children of the said John Denny, their heirs and assigns for ever.

CHAP. LVI.

An ACT *to authorize the Treasurer to pay John Robison and others certain Sums of Money.*

Passed March 26th, 1803.

WHEREAS Robert McClallen, late treasurer of this state, did draw on the cashier of the bank of New-York, on warrants issued by the comptroller in favour of John Robison and several other persons, for the sums therein mentioned, which drafts the said cashier hath refused to pay: Therefore,

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the comptroller shall on the delivery to him such unpaid drafts, draw his warrant on the treasurer for the payment of the sums therein specified, in favour of the persons entitled to the same, which warrants the treasurer is hereby authorized and required to pay out of any monies in the treasury not otherwise appropriated.

CHAP. XXXV.

An ACT *to enable Peter Van Bomell and his Family to assume the Surname of Maison, instead of their present Name.*

Passed March 16th, 1803.

WHEREAS Peter Van Bomell, of the county of Dutchess, hath by his petition prayed the legislature to enable him and his family, by law, to assume the surname of Maison, instead of their present name, whereby certain benefits will result to his family: Therefore,

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the said Peter Van Bomell, at all times hereafter, shall and may take upon himself the name of Peter Robert Maison, and by the same name shall be known and called in all cases whatsoever; and that the family of the said Peter Van Bomell, namely, his wife Elizabeth, and Leonard, Jane, Ann, Elizabeth and Charles, his children, shall and may at all times hereafter assume and take upon themselves the surname of Maison, instead of their present surname, and by the same name shall be known and called in all cases whatsoever.

And be it further enacted, That this act shall be considered as a public act.

CHAP. XXXI.

An ACT *to pardon George, a Seneca Indian, otherwise called Stiff-Armed George, convicted of Murder.*

Passed March 12th, 1803.

WHEREAS George, a Seneca Indian, otherwise called Stiff-Armed George, at a court of oyer and terminer held in and for the county of Ontario, on the twenty-third day of February, one thousand eight hundred and three, was convicted of the murder of John Hewitt, and sentenced to be executed on the fifteenth day of April next: *And whereas*, It appears to the legislature from the message of his excellency the governor, and the report of Mr. justice Livingston, who presided at the said court, accompanying the said message, that it is expedient to pardon the said George: Therefore,

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the said George, otherwise called Stiff-Armed George, be, and he is hereby fully and absolutely pardoned and discharged from the felony and conviction aforesaid, and all execution and forfeitures thereon: *Provided nevertheless*, That the said George shall continue in prison until the chiefs and sachems of the Seneca nation shall have given satisfactory assurances to the judges of the court of common pleas of the county of Ontario, or a majority of them, that the said George shall immediately be sent out of this state, and that he shall not hereafter return within the limits of the same: *And provided further*, That the said George shall fulfil and conform to such assurances of the said chiefs and sachems.

L A W S

OF THE

STATE OF NEW-YORK,

PASSED AT THE *TWENTY-SEVENTH SESSION* OF THE LEGISLATURE, BEGUN AND HELD AT THE CITY OF ALBANY, JANUARY 31, 1804.

Counties.

C H A P. XXXI.

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1. Cayuga, part of, erected into a new county by the name of Seneca.
2. -------- Part of, annexed to Ontario---3. Part to Steuben.
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18. -------- Their powers---20. To account with the supervisors.
23. -------- To superintend building court house for Cayuga.
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An ACT *to divide the County of Cayuga, and for other Purposes.*

Paſſed March 24th, 1804.

1. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That all that part of the county of Cayuga beginning at the head of the Seneca lake, and running thence eaſt on the ſouth bounds of the ſaid county, to the ſoutheaſt corner of the town of Ulyſſes; thence north to the northeaſt corner of ſaid town; thence weſt to the middle of the Cayuga lake; thence down the middle of ſaid lake to the outlet thereof; thence down the outlet of ſaid lake to the weſt line of the town of Brutus; thence north by the weſt lines of the towns

of Brutus and Cato, to the northweſt corner of the town of Cato; thence north to lake Ontario; thence weſt along ſaid lake to the county of Ontario; thence ſouth along the eaſt line of ſaid county to the Seneca lake; thence ſouth through the middle of the Seneca lake to the place of beginning, ſhall be one ſeparate and diſtinct county, and ſhall be called and known by the
2 name of Seneca; and all that part of the ſaid county of Cayuga lying weſt of the county of Seneca, and oppoſite to the county of Ontario, ſhall be and hereby is annexed to the ſaid county of
3 Ontario; and all that part of the ſaid county of Cayuga lying weſt of the ſaid county of Seneca, and oppoſite to the county of
4 Steuben, ſhall be annexed to the ſaid county of Steuben; and all the reſidue of the ſaid county of Cayuga ſhall be and remain a ſeparate county by the name of Cayuga.

5 II. *And be it further enacted*, That there ſhall be held in and for the ſaid county of Seneca, a court of common pleas and a court of general ſeſſions of the peace, and that there ſhall be two terms of the ſame courts in the ſame county in every year,
6 to commence as follows, to wit: The firſt term of the ſaid courts ſhall begin on the ſecond Tueſday of May next, and may continue to be held until the Saturday following, incluſive; and the ſecond term of the ſaid courts ſhall begin on the ſecond Tueſday of November next, and may continue to be held until
7 the Saturday following, incluſive; and the ſaid courts of common pleas and general ſeſſions of the peace, ſhall have the ſame juriſdiction, powers and authority in the ſaid county as the courts of common pleas and general ſeſſions of the peace in the other counties of this ſtate have in their reſpective counties: *Provided*, That nothing in this act contained ſhall be conſtrued to affect any ſuit or action in any court whatever already commenced, or that ſhall be commenced before the ſecond Tueſday of May next, ſo as to work a wrong or prejudice to any of the parties therein or to affect any criminal or other proceedings on the part of the people of this ſtate, but all ſuch civil and criminal proceedings ſhall and may be proſecuted to trial, judgment and execution, as if this act had not been paſſed.

8 III. *And be it further enacted*, That the ſaid courts of common pleas and general ſeſſions of the peace in the ſaid county of Seneca, ſhall be holden at the meeting houſe, on lot number thirty in the town of Ovid, until further legiſlative aid in the premiſes.

9 IV. *And be it further enacted*, That the freeholders and inhabitants of the ſaid county hereby erected, ſhall have and enjoy all and every the ſame rights, powers and privileges as the freeholders and inhabitants of any other county in this ſtate are by law entitled to have and enjoy.

10 V. *And be it further enacted*, That it ſhall and may be lawful for all courts and officers of the ſaid county of Seneca, in all caſes, civil and criminal, to confine their priſoners in the gaol of
11 the county of Tioga; and that it ſhall not be the duty of the juſtices of the ſupreme court to hold a circuit court once in every year in the ſaid county of Seneca, unleſs in their judgment they ſhall deem it proper and neceſſary, any thing in the act, entitled

"An act for regulating trials of iſſues and returning able and ſufficient jurors," to the contrary notwithſtanding.

VI. *And be it further enacted*, That the ſaid county of Seneca 12
ſhall be entitled to chooſe one member of aſſembly, and the coun- 13
ty of Cayuga ſhall be entitled to chooſe two members of aſſembly, in the ſame manner as other counties in this ſtate are by law entitled.

VII. *And be it further enacted*, That it ſhall be the duty of the 14
ſuperviſors of the ſaid counties of Cayuga and Seneca to meet together on the ſecond Tueſday of June next, at the village of Aurora, in the town of Scipio, and adjuſt all accounts, and apportion all the monies in the hands of the treaſurer of the ſaid county of Cayuga, as to them or a majority of them, ſhall appear juſt and equitable.

VIII. *And be it further enacted*, That the ſuperviſors in the 15
ſeveral towns in the county of Seneca, for the time being, or a majority of them, ſhall be and they are hereby authorized and required to direct to be raiſed and levied on the freeholders and inhabitants of the ſaid county, the ſum of one thouſand dollars, for building a court houſe and gaol in ſaid county, with the additional ſum of five cents on each dollar for collecting the ſame, which ſums ſhall be raiſed at ſuch times, levied and collected in the same manner as the other neceſſary and contingent charges of the county are levied and collected.

IX. *And be it further enacted*, That John Sayer, James Van 16
Horne and Grover Smith be, and they are hereby appointed commiſſioners to ſuperintend the building of the court houſe and gaol in the ſaid county of Seneca, which ſaid court houſe 17
and gaol ſhall be erected in the town of Ovid, and not more than four miles ſouth of the north line of ſaid town, and not leſs than three miles from the Seneca and Cayuga lakes, at ſuch place within the limits aforeſaid, and on ſuch plan as the ſaid commiſſioners, or a majority of them, ſhall judge beſt; and the 18
ſaid commiſſioners, or a majority of them, may contract with workmen and purchaſe materials for erecting ſaid court houſe and gaol, and ſhall, from time to time, draw upon the treaſurer of the ſaid county for ſuch ſums of money for the purpoſes aforeſaid as ſhall come into the treaſury by virtue of this act; and the treaſurer is hereby required, out of the monies afore- 19
ſaid, to pay to the order of the ſaid commiſſioners the ſeveral ſums of money to be by them drawn for; and it is hereby made 20
the duty of the ſaid commiſſioners to account with the ſuperviſors of the ſaid county for the monies which they ſhall have received from the treaſury, when thereunto required.

X. *And be it further enacted*, That it ſhall be lawful for the 21
treaſurer of the ſaid county of Seneca to retain in his hands one cent on each dollar for his trouble in receiving and paying out the monies directed to be raiſed in ſaid county by this act.

XI. *And be it further enacted*, That the ſuperviſors of the ſe- 22
veral towns in the county of Cayuga for the time being, or a majority of them, ſhall be, and they are hereby authorized and required to direct to be raiſed and levied on the freeholders and

inhabitants of the ſaid county of Cayuga, the ſum of one thouſand five hundred dollars, for building a court houſe and gaol in the ſaid county, with the additional ſum of five cents on each dollar for collecting the ſame, which ſums ſhall be raiſed and collected in the ſame manner as the neceſſary and contingent charges of the county are levied and collected.

23 XII. *And be it further enacted*, That John Tillotſon, Auguſtus Chidſey, and John Grover, junior, be, and they are hereby appointed commiſſioners to ſuperintend the building the court
24 houſe and gaol in ſaid county of Cayuga, which ſaid court houſe and gaol ſhall be erected on the Popple Ridge road, and within one mile of the ſouth end of lot number forty-ſix, in the town of Scipio, at ſuch place and on ſuch plan as the ſaid commiſſion-
25 ers, or a majority of them, ſhall judge beſt; and the ſaid commiſſioners, or a majority of them, may contract with workmen and purchaſe materials for erecting ſaid court houſe and gaol, and ſhall, from time to time, draw upon the treaſurer of the ſaid county for ſuch ſums of money for the purpoſe aforeſaid as ſhall
26 come into the treaſury by virtue of this act; and the treaſurer is hereby required, out of the monies aforeſaid, to pay to the order of the ſaid commiſſioners the ſeveral ſums of money to be
27 by them drawn for; and it is hereby made the duty of the commiſſioners to account with the ſuperviſors of the ſaid county for the monies which they ſhall have received from the treaſury when thereunto required.

28 XIII. *And be it further enacted*, That it ſhall and may be lawful for the treaſurer of the ſaid county of Cayuga to retain in his hands one cent on each dollar, for his trouble in receiving and paying out the monies directed to be raiſed in ſaid county by this act.

29 XIV. *And be it further enacted*, That the courts of common pleas and general ſeſſions of the peace in the ſaid county of Cayuga, ſhall be held at the village of Aurora, in the town of Scipio in ſaid county, until further legiſlative aid in the premiſes: *Provided*, That nothing contained in this act ſhall be conſtrued to affect any ſuit or action, in any court whatever, already commenced, or that ſhall be commenced before the third Tueſday of May next, ſo as to work a wrong or prejudice to any of the parties therein, or to affect any criminal or other proceedings on the part of the people of this ſtate, but all ſuch civil and criminal proceedings ſhall and may be proſecuted to trial, judgment and execution, as if this act had not been paſſed.

CHAP. L.

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1. Chenango county, part of, annexed to Oneida county.
2. Commissioners, for designating scite of c. house, how appointed.
4, 5. ---------- Their duty and compensation.
7, 8. ---------- For superintending buildging c. house, how appointed, and their powers and duties.---9. To account.

"An act for regulating trials of iſſues and returning able and ſufficient jurors," to the contrary notwithſtanding.

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ſhall be entitled to chooſe one member of aſſembly, and the coun- 13
ty of Cayuga ſhall be entitled to chooſe two members of aſſembly, in the ſame manner as other counties in this ſtate are by law entitled.

VII. *And be it further enacted*, That it ſhall be the duty of the 14
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VIII. *And be it further enacted*, That the ſuperviſors in the 15
ſeveral towns in the county of Seneca, for the time being, or a majority of them, ſhall be and they are hereby authorized and required to direct to be raiſed and levied on the freeholders and inhabitants of the ſaid county, the ſum of one thouſand dollars, for building a court houſe and gaol in ſaid county, with the additional ſum of five cents on each dollar for collecting the ſame, which ſums ſhall be raiſed at ſuch times, levied and collected in the same manner as the other neceſſary and contingent charges of the county are levied and collected.

IX. *And be it further enacted*, That John Sayer, James Van 16
Horne and Grover Smith be, and they are hereby appointed commiſſioners to ſuperintend the building of the court houſe and gaol in the ſaid county of Seneca, which ſaid court houſe 17
and gaol ſhall be erected in the town of Ovid, and not more than four miles ſouth of the north line of ſaid town, and not leſs than three miles from the Seneca and Cayuga lakes, at ſuch place within the limits aforeſaid, and on ſuch plan as the ſaid commiſſioners, or a majority of them, ſhall judge beſt; and the 18
ſaid commiſſioners, or a majority of them, may contract with workmen and purchaſe materials for erecting ſaid court houſe and gaol, and ſhall, from time to time, draw upon the treaſurer of the ſaid county for ſuch ſums of money for the purpoſes aforeſaid as ſhall come into the treaſury by virtue of this act; and the treaſurer is hereby required, out of the monies afore- 19
ſaid, to pay to the order of the ſaid commiſſioners the ſeveral ſums of money to be by them drawn for; and it is hereby made 20
the duty of the ſaid commiſſioners to account with the ſuperviſors of the ſaid county for the monies which they ſhall have received from the treaſury, when thereunto required.

X. *And be it further enacted*, That it ſhall be lawful for the 21
treaſurer of the ſaid county of Seneca to retain in his hands one cent on each dollar for his trouble in receiving and paying out the monies directed to be raiſed in ſaid county by this act.

XI. *And be it further enacted*, That the ſuperviſors of the ſe- 22
veral towns in the county of Cayuga for the time being, or a majority of them, ſhall be, and they are hereby authorized and required to direct to be raiſed and levied on the freeholders and

as aforeſaid appointed to deſignate the ſcite of the ſaid court houſe and gaol, at and after the rate of three dollars per day for each and every day they ſhall be employed in executing the truſt enjoined on them by this act, which allowance ſhall be levied and paid as part of the contingent charges of the ſaid county, and the treaſurer thereof is hereby required and directed to pay the ſame out of any monies in the treaſury, an account of which he ſhall exhibit to the board of ſuperviſors of the ſaid county at their next meeting thereafter.

6 V. *And be it further enacted*, That the ſuperviſors of the ſeveral towns in the county of Chenango, for the time being, or a majority of them, ſhall be and are hereby authorized and required to direct to be raiſed and levied on the freeholders and inhabitants of the ſaid county, the ſum of three thouſand dollars for building a court houſe and gaol in the ſaid county, with the additional ſum of five cents on each dollar for collecting the ſame, which ſaid ſum ſhall be raiſed, levied and collected in the ſame manner as the other neceſſary and contingent charges of the ſaid county are levied and collected.

7 VI. *And be it further enacted*, That it ſhall be lawful for the ſuperviſors in the ſaid county of Chenango, or a majority of them, to appoint three commiſſioners to ſuperintend the building the court houſe and gaol, which ſhall be erected in the ſaid county of Chenango, at ſuch place as may be fixed and determined upon by the commiſſioners for that purpoſe in this act before ap-
8 pointed; and the ſaid commiſſioners, or a major part of them, ſhall and may contract with workmen, and purchaſe materials for erecting the ſaid court houſe and gaol, and if neceſſary for the proceeding with the building of the ſaid court houſe and gaol, may expend monies in and about the ſame, which ſhall be repaid and ſettled out of and from the ſum ſo as aforeſaid to be levied and collected for the building the court houſe and gaol, whenever the ſame ſhall be levied and collected; and ſhall, from time to time, draw upon the treaſurer of the ſaid county for ſuch sums of money for the purpoſes aforeſaid as ſhall come into the treaſury by virtue of this act; and the treaſurer is hereby required, out of the monies aforeſaid, to pay to the order of the ſaid commiſſioners the ſeveral ſums of money to be by them drawn for:
9 and it is hereby made the duty of ſuch commiſſioners ſo to be appointed, to account with the ſuperviſors of the ſaid county for the monies which they have received from the treaſury when thereunto required.

10 VII. *And be it further enacted*, That the building erected or to be erected for that purpoſe, at the place which ſhall be deſignated as aforeſaid, ſhall be the gaol of the ſaid county of Chenango; and as ſoon as the ſame building ſhall, in the opinion of the ſheriff of the county, be finiſhed in ſuch manner as to confine his priſoners, it ſhall and may be lawful for ſuch ſheriff to remove his priſoners, either upon civil or criminal proceſs, to ſuch gaol, and confine them therein, and ſuch removal ſhall not be deemed an eſcape in ſuch ſheriff.

11 VIII. *And be it further enacted*, That it ſhall and may be law-

"An act for regulating trials of iſſues and returning able and ſufficient jurors," to the contrary notwithſtanding.

VI. *And be it further enacted*, That the ſaid county of Seneca 12
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ty of Cayuga ſhall be entitled to chooſe two members of aſſembly, in the ſame manner as other counties in this ſtate are by law entitled.

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IX. *And be it further enacted*, That John Sayer, James Van 16
Horne and Grover Smith be, and they are hereby appointed commiſſioners to ſuperintend the building of the court houſe and gaol in the ſaid county of Seneca, which ſaid court houſe 17
and gaol ſhall be erected in the town of Ovid, and not more than four miles ſouth of the north line of ſaid town, and not leſs than three miles from the Seneca and Cayuga lakes, at ſuch place within the limits aforeſaid, and on ſuch plan as the ſaid commiſſioners, or a majority of them, ſhall judge beſt; and the 18
ſaid commiſſioners, or a majority of them, may contract with workmen and purchaſe materials for erecting ſaid court houſe and gaol, and ſhall, from time to time, draw upon the treaſurer of the ſaid county for ſuch ſums of money for the purpoſes aforeſaid as ſhall come into the treaſury by virtue of this act; and the treaſurer is hereby required, out of the monies afore- 19
ſaid, to pay to the order of the ſaid commiſſioners the ſeveral ſums of money to be by them drawn for; and it is hereby made 20
the duty of the ſaid commiſſioners to account with the ſuperviſors of the ſaid county for the monies which they ſhall have received from the treaſury, when thereunto required.

X. *And be it further enacted*, That it ſhall be lawful for the 21
treaſurer of the ſaid county of Seneca to retain in his hands one cent on each dollar for his trouble in receiving and paying out the monies directed to be raiſed in ſaid county by this act.

XI. *And be it further enacted*, That the ſuperviſors of the ſe- 22
veral towns in the county of Cayuga for the time being, or a majority of them, ſhall be, and they are hereby authorized and required to direct to be raiſed and levied on the freeholders and

3 II. *And be it further enacted*, That that part of the ſaid town of Champlain ſituated north of the line before deſcribed, and weſt of the following line, to wit: Beginning at the northweſt corner of lot number eight before deſcribed, and running northerly upon the weſt line of lots number nine, ten, eleven, twelve, thirteen, fourteen, fifteen and ſixteen, to the province of Canada; ſhall be and is hereby erected into a ſeparate town by the name
4 of Mooers; and that the firſt town meeting ſhall be held at the
5 houſe of ——— Shaden, in ſaid town; and that all the remainder of the town of Champlain, ſhall be and remain a ſeparate
6 town by the name of Champlain; and that the next town meeting be held at the houſe of Samuel Hicks in the ſaid town.

7 III. *And be it further enacted*, That as ſoon as may be, after the firſt Tueſday in April next, the ſuperviſors and overſeers of the poor of the aforeſaid towns, on notice being previouſly given by the ſaid ſuperviſors for that purpoſe, ſhall meet and divide the poor and money belonging to the ſaid town of Champlain, previous to the diviſion thereof, agreeable to the laſt tax liſt, and that each of the ſaid towns ſhall for ever thereafter reſpectively ſupport their own poor.

8 IV. *And be it further enacted*, That the lines of the ſaid towns of Champlain and Chazy, do and ſhall extend eaſt to the eaſt boundary of the ſtate of New-York.

CHAP. XXIII.

Contents.

1. Crownpoint, parts thereof erected into two new towns.
5. --------- Residue to continue a separate town.
8. Lines of Crownpoint and Tyconderoga, their extent.
1. Schroon, a new town erected from part of Crownpoint.
7. Supervisors and Overseers of the Poor, their duty.
3. Tyconderoga, a new town erected from part of Crownpoint.
2, 4, 6. Town Meetings, where to be held.

An ACT *for dividing the Town of Crownpoint, in the County of Essex.*

Paſſed March 20th, 1804.

I. BE *it enacted by the People of the State of New-York, represent-*
1 *ed in Senate and Assembly*, That from and after the thirty-firſt day of March inſtant, all that part of the town of Crownpoint in the county of Eſſex, beginning eight miles weſt from the southeaſt corner of the town aforeſaid, following the ſouth bounds of the county of Eſſex; thence north, two degrees weſt, to the ſouth line of Elizabethtown; thence weſt on the ſouth line of Elizabethtown, till it ſtrikes Montgomery county; thence ſouth on the ſaid line till it ſtrikes the town of Thurman in Waſhington county; thence eaſt to the place of beginning; ſhall be and hereby is erected into a ſeparate town, by the name of Schroon;
2 and the firſt town meeting ſhall be held at the houſe of Iſrael Johnſon in ſaid town.

3 II. *And be it further enacted*, That from and after the thirty-

ful for the courts of common pleas and general ſeſſions of the peace in and for the ſaid county, as ſoon as the ſaid court houſe and gaol ſhall be finiſhed ſo as to accommodate the ſame courts, to adjourn to the ſaid court houſe, and thereafter continue to hold the terms of the ſaid courts at the ſaid court houſe, and no action or proſecution depending in the ſame courts ſhall be abated, diſcontinued, or in any manner prejudiced in law by ſuch adjournment.

Towns.

CHAP. XXII.

Contents.

1. Chazy, a town erected from part of Champlain.
5. Champlain, residue thereof to continue a town by the same name.
8. Lines of Chazy and Champlain, their extent.
3. Mooers, a town erected from part of Champlain.
7. Supervisors and Overseers of the poor, their duty.
2, 4, 6. Town Meetings, where to be held.

An ACT *for dividing the Town of Champlain, in the County of Clinton.*

Paſſed March 20th, 1804.

I. BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That from and after the 1
firſt Monday of April next, all that part of the town of Champlain, in the county of Clinton, on the ſouth ſide of a line beginning on the lake ſhore at the ſoutheaſt boundary of lot number fifteen; ſaid lot being a part of the lands granted by the ſtate of New-York to certain Canadian and Nova-Scotia refugees; thence by the ſouth line of ſaid lot weſterly, and on the north line of a tract of land known by Bell's patent, originally granted to Hezekiah Tuttle, and weſterly upon the north line of eighty acre lots, to wit: Numbers one hundred and forty-five; one hundred and ſixty-three; one hundred and ſeventy-eight; one hundred and forty three; one hundred and ninety-five; two hundred and ſeventeen and two hundred and thirty-two; and from the northweſt corner of the laſt mentioned lot, a ſtraight line to the north eaſt corner of lot number eight, a four hundred and twenty acre lot, a part of thoſe lands granted as aforeſaid; from thence weſterly on the north line of lots number eight, twenty-five, thirty-two, forty-nine, ſixty-three, eighty, eighty-ſeven, one hundred and four; one hundred and twelve; one hundred and twenty-nine; one hundred and thirty-eight; one hundred and fifty-five; one hundred and ſixty-ſix; one hundred and eighty-three, and one hundred and ninety-two, and from thence on the ſame courſe to the weſt line of ſaid town, ſhall be and is hereby erected into a
ſeparate town, by the name of Chazy; and that the firſt town 2
meeting ſhall be held at the houſe of Eleazer Graves in ſaid town.

the firſt town meeting ſhall be held at the dwelling houſe of
5 John Alger; and that all that part of the town of Mexico known and diſtinguiſhed by townſhips numbers ten and eleven, in Conſtable's patent, with the fifth, ſixth, twenty-firſt and twenty-ſecond in Scriba's patent, including townſhips numbers ſix and ſeven, ſhall be and the ſame is hereby erected into a ſeparate town by
6 the name of Williamſtown; and that the firſt town meeting ſhall
7 be held at the dwelling houſe of Daniel Stilton; and that all the remaining part of the town of Adams ſhall be and remain a ſe-
8 parate town by the name of Adams; and that all the remaining part of the town of Mexico ſhall be and remain a ſeparate town
9 by the name of Mexico; and that the next annual town meeting for the towns of Adams and Mexico, ſhall be held at ſuch place to which they reſpectively ſtand adjourned.

10 II. *And be it further enacted*, That as ſoon as may be after the firſt Tueſday in March next, the ſuperviſors and overſeers of the poor of the ſaid towns of Adams and Harriſon, on notice being firſt given for that purpoſe, ſhall meet together and divide the money and the poor belonging to the ſaid town of Adams, previous to the diviſion thereof, agreeable to the laſt ſtate tax liſt, and that each of the ſaid towns ſhall for ever thereafter reſpectively maintain their own poor.

11 III. *And be it further enacted*, That as ſoon as may be after the firſt Tueſday in March next, the ſuperviſors and overſeers of the poor of the ſaid towns of Mexico, Malta and Williamſtown, on notice being firſt given for that purpoſe, ſhall meet together and divide the money and the poor belonging to the ſaid town of Mexico, previous to the diviſion thereof, agreeable to the laſt tax liſt; and that each of ſaid towns ſhall for ever thereafter reſpectively maintain their own poor.

12 IV. *And be it further enacted*, That all that part of the ſaid town of Mexico known and diſtinguiſhed on the ſurveyor-general's map of this ſtate, by the name of Handel, ſhall be and the ſame is hereby annexed to the town of Harriſburgh in ſaid county.

CHAP. XXXIV.

An ACT *to annex Part of the Town of Bristol to the Town of Blenheim, in the County of Schoharie.*

Paſſed March 27th, 1804.

I. BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That from and after the firſt day of April next, all that part of the town of Briſtol, in the county of Schoharie, comprehended within the bounds following, to wit: Beginning where Walter Butler's patent line croſſes the town line between the towns of Middleburgh and Briſtol, north of the dwelling houſe of Chriſtian Shafer; thence ſouth along ſaid Walter Butler's patent to Smith's patent; thence ſouth along Smith's patent to Edward Clark's patent; thence along

ſal for the courts of common pleas and general ſeſſions of the peace in and for the ſaid county, as ſoon as the ſaid court houſe and gaol ſhall be finiſhed ſo as to accommodate the ſame courts, to adjourn to the ſaid court houſe, and thereafter continue to hold the terms of the ſaid courts at the ſaid court houſe, and no action or proſecution depending in the ſame courts ſhall be abated, diſcontinued, or in any manner prejudiced in law by ſuch adjournment.

Towns.

CHAP. XXII.

Contents.

1. Chazy, a town erected from part of Champlain.
5. Champlain, residue thereof to continue a town by the same name.
8. Lines of Chazy and Champlain, their extent.
3. Mooers, a town erected from part of Champlain.
7. Supervisors and Overseers of the poor, their duty.
2, 4, 6. Town Meetings, where to be held.

An ACT *for dividing the Town of Champlain, in the County of Clinton.*

Paſſed March 20th, 1804.

I. BE *it enacted by the People of the State of New-York, repreſented in Senate and Assembly*, That from and after the 1
firſt Monday of April next, all that part of the town of Champlain, in the county of Clinton, on the ſouth ſide of a line beginning on the lake ſhore at the ſoutheaſt boundary of lot number fifteen; ſaid lot being a part of the lands granted by the ſtate of New-York to certain Canadian and Nova-Scotia refugees; thence by the ſouth line of ſaid lot weſterly, and on the north line of a tract of land known by Bell's patent, originally granted to Hezekiah Tuttle, and weſterly upon the north line of eighty acre lots, to wit: Numbers one hundred and forty-five; one hundred and ſixty-three; one hundred and ſeventy-eight; one hundred and forty three; one hundred and ninety-five; two hundred and ſeventeen and two hundred and thirty-two; and from the northweſt corner of the laſt mentioned lot, a ſtraight line to the north eaſt corner of lot number eight, a four hundred and twenty acre lot, a part of thoſe lands granted as aforeſaid; from thence weſterly on the north line of lots number eight, twenty-five, thirty-two, forty-nine, ſixty-three, eighty, eighty-ſeven, one hundred and four; one hundred and twelve; one hundred and twenty-nine; one hundred and thirty-eight; one hundred and fifty-five; one hundred and ſixty-ſix; one hundred and eighty-three, and one hundred and ninety-two, and from thence on the ſame courſe to the weſt line of ſaid town, ſhall be and is hereby erected into a
ſeparate town, by the name of Chazy; and that the firſt town 2
meeting ſhall be held at the houſe of Eleazer Graves in ſaid town.

eight hundred and five, the ſupervisors and overſeers of the poor of ſaid towns of Homer and Virgil, ſhall, after notice being given for that purpoſe by the supervisors of ſaid towns, meet together and apportion the poor maintained by the ſaid town of Homer, and the poor money belonging to the ſame town, previous to the diviſion thereof, in an equitable manner; and if the ſupervisors and overſeers of the poor cannot agree upon ſuch diviſion of the poor and poor money as aforeſaid, then and in ſuch caſe the ſupervisors of the county of Onondaga ſhall, at their next meeting, apportion and divide the poor and poor money as aforeſaid, in ſuch manner as ſhall appear to them moſt juſt and equitable, and the ſaid towns ſhall thereafter reſpectively maintain their own poor.

CHAP. LXXX.

Contents.

5. Privileges of towns and town officers.
3. Shandaken, a new town, erected from part of Woodstock.
6. Supervisors and Overseers of the Poor, their duty.
2, 4. Town Meetings, where to be held.
1. Woodstock, certain part thereof to remain a separate town.

An ACT *to divide the Town of Woodstock, in the County of Ulster.*

Paſſed April 9th, 1804.

I. BE *it enacted by the People of the State of New-York, repre-*
1 *ſented in Senate and Assembly*, That from and after the paſſing of this act, all that part of the town of Woodſtock lying eaſt of a line beginning at the northweſt corner of the town of Hurly, at the place called Toomties Hook, and running due north till it interſects the town of Windham, ſhall be and hereby
2 is erected into a ſeparate town by the name of Woodſtock; and the firſt town meeting in the ſaid town of Woodſtock ſhall be held at the dwelling houſe of William Eltinge in ſaid town:
3 And that all the remaining part of the ſaid town of Woodſtock ſhall be and remain a ſeparate town by the name of Shandaken;
4 and the next annual town meeting in ſaid town of Shandaken ſhall be held at the dwelling houſe of William Rogers in ſaid town.

5. II. *And be it further enacted*, That the ſaid towns of Woodſtock and Shandaken, and the officers by them to be elected, ſhall be entitled to all the privileges, and ſubject to the ſame penalties that the other towns in this ſtate are by law entitled and ſubject to.

6 III. *And be it further enacted*, That as ſoon as may be after the firſt Tueſday of April next, the ſupervisors and overſeers of the poor of the ſaid towns of Woodſtock and Shandaken, on notice being firſt given by the ſaid ſupervisors for that purpoſe, ſhall meet together and divide the money and poor belonging to the town of Woodſtock previous to the diviſion thereof, agreeable to the laſt ſtate tax liſt, and that each of the ſaid towns ſhall for ever thereafter reſpectively ſupport their own poor.

first day of March instant, all that part of the said town of Crown-point beginning at the southeast corner of said town; thence running due west eight miles; thence north, two degrees west, till it shall intersect a west line drawn from the northeast corner of Sutherland's patent on the lake shore; thence east to the northeast corner of said patent; thence south along the lake shore to the place of beginning; shall be and hereby is erected into a separate town, by the name of Tyconderoga; and the first 4
town meeting shall be held at the house of William Wilson in said town; and that all the remaining part of said town of 5
Crownpoint shall be and remain a separate town by the name of Crownpoint; and that the next town meeting shall be held at 6
the house of William Coon in said town.

III. *And be it further enacted*, That as soon as may be after the 7
first Tuesday of May next, the supervisors and overseers of the poor of the aforesaid towns shall, by notice to be given for that purpose by the supervisors thereof, meet together and apportion the poor maintained by the said town of Crownpoint, and the poor money belonging to the same previous to the division thereof, agreeably to the last tax list; and that each of said towns shall for ever thereafter respectively support their own poor.

IV. *And be it further enacted*, That the lines of said towns of 8
Tyconderoga and Crownpoint, do and shall extend east to the east bounds of the state of New-York.

CHAP. XXIX.

Contents.

1. Adams, a new town erected from part of it.
7. ------- Residue to continue a separate town.
12. Harrisburgh, part of the town of Mexico annexed to.
1. Harrison, a new town, erected from part of Adams.
3. Malta, a new town, erected from part of Mexico.
8. Mexico, residue to continue a separate town.
10, 11. Supervisors and Overseers of the Poor, their duty.
2, 4, 6, 9. Town Meetings, where to be held.
5. Williamstown, a new town, erected from part of Mexico.

An ACT *to divide the Towns of Adams and Mexico, in the County of Oneida.*

Passed March 24th, 1804.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That from and after the 1
first Tuesday of March next, all that part of the town of Adams, in the county of Oneida, known and distinguished by township number eight, shall be and the same is hereby erected into a separate town by the name of Harrison; and that the first town- 2
meeting shall be held at the dwelling house of Simeon Hunt; and 3
that all that part of the town of Mexico, known and distinguished by townships numbers one and two, shall be and the same is hereby erected into a separate town by the name of Malta; and that 4

north along said meridian line bounding east on the town of Erie to the boundary line in lake Erie between the United States and the king of Great Britain, thence southerly along said boundary line to a meridian being the western bounds of the state of New-York, thence south along said western bounds to the north bounds of the state of Pennsylvania, and thence east along said north bounds of Pennsylvania to the place of beginning, shall be and is hereby erected into a separate town by the name of Chautau-
6 que; and that the first town meeting in said town of Chautauque
7 shall be held at the dwelling house of the widow M'Henry. And all the remaining part of the town of Batavia shall be and remain
8 a separate town by the name of Batavia; and that the next annual town meeting shall be held at the court house in said town.

9 II. *And be it further enacted*, That as soon as may be after the first Tuesday in April, the supervisors and overseers of the poor of the said towns of Batavia, Willink, Erie and Chautauque, on notice being first given for that purpose, shall meet together and divide the money and the poor belonging to the town of Batavia previous to the division thereof, agreeably to the last state tax list, and that each of the said towns shall for ever thereafter maintain their own poor.

10 III. *And be it further enacted*, That from and after the passing of this act there shall be one additional term of the court of common pleas in and for the county of Genesee in each and every year hereafter, which said term shall commence on the first Tuesday in February, and may be continued until and including the Saturday thereafter.

Colonie of Watervliet.

CHAP. LXXXVII.

Contents.

5. Assessments, how made.
6, 11. Assessors, how chosen---12. Vacancy how supplied.
7. 17. Collector, his duty---11. How elected---12. Vacancy how supplied.
1. Colonie, boundaries thereof designated.
20. Compensation to Assessors, Collector & Treasurer. 16. To Clerk.
2. Election, first when to be held---3. Anniversary day of, &c.
10. Fines, Trustees authorized to institute for offences against bye-laws.
14. ------- On persons refusing to accept an office when elected.
23. Firemen, exempt from certain duties.
11. Fire Wardens, how elected---12. Vacancy how supplied.
4. Inhabitants declared a body corporate---their style and rights.
13. Oaths, by whom to be taken.
21. Paving, monies to be raised for, how assessed.
15. President and 16. Clerk, Trustees to appoint.
8. Taxes, not to be laid without consent of inhabitants.
11. Treasurer, how chosen---12. Vacancy how supplied.
18. ---------- To pay monies on order of the Trustees.
9. Trustees, authorized to make bye-laws---24. Duration of office.
22. --------- To regulate Fire Company.---19. To keep an account.

the line of said Edward Clark's patent south, twenty degrees west, to the dwelling house of John Hoagland, in the town of Blenheim, shall be and is hereby annexed to the town of Blenheim.

II. *And be it further enacted*, That all the remaining part of the town of Bristol shall continue to be and remain a separate town, and retain its former name.

CHAP. XLVI.

Contents.

1. Cincinnatus, a new town, erected from part of Solon.
7. Homer, residue to continue a separate town by the same name.
3. Solon, residue to continue a separate town by the same name.
4, 8. Supervisors and Overseers of the Poor, their duty.
2, 6. Town meetings, where to be held.
5. Virgil, a new town, erected from part of Homer.

An ACT *to divide the Towns of Solon and Homer, in the County of Onondaga.*

Passed April 3d, 1804.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That from and after the 1
first Monday preceding the first Tuesday in the month of March, in the year one thousand eight hundred and five, all that part of the town of Solon in the county of Onondaga, known by the name of Cincinnatus, shall be, and the same is hereby erected into a separate town by the name of Cincinnatus; and the first 2
town meeting in the said town of Cincinnatus, shall be held at the dwelling house of George Dodge in said town; and that all 3
the remaining part of the town of Solon, shall be and remain a separate town by the name of Solon.

II. *And be it further enacted*, That as soon as may be after the 4
first Tuesday in March, one thousand eight hundred and five, the supervisors and overseers of the poor of the said towns of Solon and Cincinnatus, on notice being first given by the said supervisors for that purpose, shall meet together and divide the money and poor belonging to the town of Solon, previous to the division thereof agreeable to the last tax list; and that each of the said towns shall for ever thereafter respectively maintain their own poor.

III. *And be it further enacted*, That from and after the Mon- 5
day preceding the first Tuesday in the Month of March, in the year one thousand eight hundred and five, all that part of the town of Homer lying south of the division line between the townships of Homer and Virgil, shall be and hereby is erected into a town by the name of Virgil; and that the first town meeting 6
be held at the dwelling house of James Knapp in said town; and all the residue of said town of Homer shall be and remain a 7
separate town by the name of Homer.

IV. *And be it further enacted*, That as soon as may be after the 8
first Tuesday in the month of March, in the year one thousand

houſe or houſes, a ſchool houſe, or raiſing monies by tax for erecting thoſe public buildings, or making any other neceſſary
5 repairs or improvements, which money to be raiſed ſhall be aſſeſſed upon the freeholders and inhabitants of the ſaid Colonie
6 according to law, by not leſs than three nor more than five judicious aſſeſſors, who ſhall be freeholders and inhabitants of the ſaid Colonie, qualified to vote at town meetings, choſen at their
7 annual meetings, and collected by the collectors of the ſaid corporation in like manner as the taxes of towns and counties are collected, by virtue of a warrant to him directed by a majority of the truſtees : *Provided nevertheless*, That no tax ſhall be le-
8 vied, or monies raiſed, aſſeſſed or collected, for erecting ſuch public buildings, or making any other neceſſary repairs or improvements, or purchaſe or ſale of any real eſtate, and no public buildings erected or diſpoſed of without the conſent of the freeholders and inhabitants and legal voters of the ſaid Colonie, or the major part of them, at ſuch meeting duly notified.

III. *And be it further enacted*, That it ſhall and may be lawful
9 for the truſtees of the ſaid corporation, or the major part of them, by this act to be choſen, and for their ſucceſſors in office for ever, from and after the firſt Monday in May next, to make, ordain, conſtitute and publiſh ſuch bye-laws, rules and regulations, as they from time to time ſhall deem meet and proper, and ſuch in particular as are relative to public markets, butcher ſtalls within the ſaid Colonie ; relative to ſlaughter houſes and nuiſances generally ; relative to ſtreets, alleys and highways in the ſaid Colonie, and draining, filling up, paving, gravelling, keeping in order and improving the ſame ; relative to preventing perſons from driving horſes in carriages or otherwiſe, faſter than on a moderate trot within the limits of the ſaid Colonie ; relative to the number of inns or taverns, and retailers of ſpiritous liquors, to be licenſed in the ſaid Colonie ; relative to the rate or price of bread ; and to the inſpection of weights and meaſures in the ſaid Colonie ; relative to the cleaning of chimneys, ſtove-pipes, aſh houſes, and guarding againſt accidents by fire generally ; relative to reſtraining geeſe, ſwine or cattle of any kind, and for any ſtrays taken up within the ſaid Colonie ; relative to compel houſe keepers to furniſh themſelves with a ſufficient number of fire buckets within the ſaid Colonie, and relative to any thing whatſoever that may concern the public and good government of the ſaid Colonie : *Provided always*, That ſuch bye-laws be not contrary to or inconſiſtent with the laws and ſtatutes of this ſtate or of the United States.

IV. *And be it further enacted*, That the ſaid truſtees, or the
10 major part of them, as often as they ſhall make, ordain and publiſh any ſuch bye-law for the purpoſes aforeſaid, may make, ordain, limit and provide ſuch reaſonable fines againſt the offenders of ſuch laws as they may think proper, the ſame not exceeding twenty-five dollars for any one offence, to be proſecuted and recovered before any juſtice of the peace or court having cognizance thereof, with coſts of ſuit, by and in the name of the truſtees to and for the uſe of the ſaid corporation.

CHAP. CXII.

Contents.

1. Batavia, a new town erected from---7. Residue a separate town.
5. Chautauque, a new town erected from part of Batavia.
10. Common Pleas, an additional of, term granted to Genesee county.
3. Erie, a new town, erected from part of Batavia.
9. Supervisors and Overseers of the Poor, their duty.
2, 4, 6, 8. Town Meetings, where to be held.
1. Willink, a new town, erected from part of Batavia.

An ACT *to divide the Town of Batavia into four Towns.*

Passed April 11th, 1804.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That from and after the first 1
Tuesday of February next, all that part of the town of Batavia, beginning in the north boundary line of the state of Pennsylvania where the meridian line between the third and fourth ranges of townships of Holland company lands commences, thence north along the said meridian line to the boundary line in lake Ontario between the United States and the king of Great Britain, thence westerly along said boundary line to a point in the same meridian with the western transit meridian line, being the division line between the sixth and seventh ranges of townships of the Holland company lands, represented by the map aforesaid, thence south along the said western transit meridian line to the north boundary of the state of Pennsylvania, and thence east along the said north boundary of Pennsylvania to the place of beginning, shall be and is hereby erected into a separate town by the name of Willink; and that the first town meeting in said town of Willink 2
shall be held at the dwelling house of Peter Van Deventer. And 3
all that part of the town of Batavia beginning in the north boundary of the state of Pennsylvania where the western transit meridian line aforesaid commences, and running thence north along said western transit meridian line (being the western boundary of the town of Willink) to the boundary line in lake Ontario between the United States and the king of Great Britain, thence along said boundary line until it strikes the communication of water between that lake and lake Erie, thence along the middle of said communication into lake Erie, thence southwesterly along the said boundary line in lake Erie to a point in the same meridian with the meridian or division line between the tenth and eleventh ranges of townships of the Holland company lands as represented by the map aforesaid, thence south along said meridian line to the north boundary of the state of Pennsylvania, and thence east along the said north boundary to the place of beginning, shall be and is hereby erected into a separate town by the name of Erie; and 4
that the first town meeting in said town of Erie shall be held at the dwelling house of John Crow. And all that part of the town 5
of Batavia, beginning in the north boundary of the state of Pennsylvania where the meridian line between the tenth and eleventh ranges of the Holland company's lands commences, thence

ſupplied in the manner hereafter to be provided by the bye-laws
16 of the ſaid board of truſtees; and the ſaid truſtees ſhall appoint a clerk, who ſhall be allowed for his ſervices, what a majority of the ſaid truſtees may judge reaſonable and right, and the ſaid clerk ſhall be ſubject to the fines and reſtrictions as other officers choſen or appointed by virtue of this act.

17 IX. *And be it further enacted*, That the collector ſhall within ſuch time as ſhall be provided for by the bye-laws of the ſaid truſtees, next after the receipt of his warrant for collecting any tax that may have been ordered to be raiſed, collect and pay
18 the ſame to the treaſurer; and all monies which may at any time be in the hands of the treaſurer, ſhall be liable to be drawn out by warrant under the hands and ſeals of the truſtees or the major part of them, and applied and diſpoſed of as ſhall have been directed by the freeholders and inhabitants of the ſaid Colonie.

19 X. *And be it further enacted*, That the ſaid truſtees ſhall keep a juſt account of their neceſſary expenſes and diſburſements, and on producing the ſame to the treaſurer ſhall be entitled to receive
20 the amount thereof out of any monies in the treaſury; and that the treaſurer, collector and aſſeſſors ſhall be paid for their ſervices ſuch ſum as the truſtees, or a majority of them, by a bye-law of the ſaid truſtees, ſhall provide: *Provided always*,

21 XI. *And be it further enacted*, That any monies to be raiſed for paving any ſtreet or ſtreets, or gravelling or paving any ſide walks, ſhall be aſſeſſed, levied and collected in a juſt and equitable manner, of and from the owners or occupants of all houſes and lots adjoining ſuch ſtreet or ſtreets ſo to be paved, in proportion, as nearly as may be, to the advantages which each ſhall be deemed to acquire thereby, any thing in this act to the contrary notwithſtanding.

22 XII. *And be it further enacted*, That the ſaid truſtees, or the major part of them, ſhall have the power of regulating and organizing their fire company, and to diſplace all or any of the firemen when and as often as they, or the major part of them, ſhall thing fit, and appoint others in their ſtead, and to make ſuch rules for the government of ſuch firemen as to them ſhall appear neceſſary and proper, and alſo to compel them to do their
23 duty as firemen; and the firemen appointed or to be appointed by the ſaid truſtees, ſhall be exempted from ſerving as jurymen, or in the militia, except in caſes of actual invaſion or inſurrection.

24 XIII. *And be it further enacted*, That the truſtees to be elected by virtue of this act ſhall continue in office, and be authorized and empowerd to execute and perform all and ſingular the powers and duties in this act contained, belonging to their office of truſtees as aforeſaid, until the firſt Monday in May next following after their election of truſtees as aforeſaid, or until others are choſen purſuant to this act, and have taken and ſubſcribed the oath or affirmation of the office of truſtees.

V. *And be it further enacted*, That the freeholders and inhabit- 11
ants of the ſaid Colonie, qualified to vote as aforeſaid at their annual meetings hereafter to be held for chooſing truſtees, or at any other meeting duly notified by the truſtees, ſhall and they are hereby authorized to chooſe not leſs than three nor more than five freeholders as aſſeſſors, one treaſurer, one collector, being alſo freeholders, and as many fire wardens as the truſtees or the major part of them may order and direct; and that at every ſuch election the perſon or perſons having the greateſt number of votes for ſuch offices reſpectively, ſhall be deemed to be duly choſen; and in caſe of a vacancy happening by death or other- 12
wiſe, of any of the aſſeſſors, the treaſurer, collector or fire wardens, it ſhall be the duty of the truſtees or the major part of them, within fifteen days thereafter, to appoint others in their ſtead, and when ſo appointed to be veſted with the ſame powers, and ſubject to the ſame penalties and reſtrictions, as if elected by the freeholders and inhabitants of ſaid Colonie, as above mentioned.

VI. *And be it further enacted*, That the ſaid treaſurer, collector, aſſeſſors and fire wardens, ſhall, within ten days after they 13
are elected, and before they enter on the duties of their offices, reſpectively take and ſubſcribe an oath or affirmation, before any juſtice of the peace in the ſaid Colonie, or county aforeſaid, for the faithful performance of the truſts repoſed in them, as the major part of the truſtees for the time being ſhall deem ſufficient.

VII. *And be it further enacted*, That if any perſon qualified as aforeſaid, be hereafter elected or appointed a truſtee, or to the of- 14
fice of aſſeſſor or fire warden, and having notice of ſaid election or appointment, ſhall refuſe, deny, delay or neglect to take upon him or them to execute ſuch truſt or office, to which he or they ſhall be elected, then, and as often as it ſhall happen, it ſhall and may be lawful for the truſtees or the major part of them, to aſſeſs and impoſe upon every ſuch perſon or perſons ſo neglecting, delaying or refuſing, ſuch reaſonable fine or fines as the ſaid truſtees or the major part of them may think fit, ſo as ſuch fine for each offence, refuſal, denial, delay or neglect, ſhall not exceed the ſum of twenty-five dollars, to be paid to the ſaid truſtees for the time being, when thereunto required, to be recovered in an action of debt in the name of the ſaid truſtees, in any court within this ſtate having cognizance thereof.

VIII. *And be it further enacted*, That for the good order and government of the ſaid Colonie, that the truſtees, within twenty 15
days after their being elected, in every year hereafter, or a major part of them, ſhall meet at ſome convenient place in the ſaid Colonie, and chooſe and appoint one of their body as preſident of their board of truſtees, whoſe duty it ſhall be when preſent to preſide at the meetings of truſtees, and to order extraordinary meetings whenever he may find it for the intereſt of the ſaid Colonie ſo to do, and all other acts and things that may be thought proper for him to do by the major part of the truſtees; and in caſe of death or otherwiſe of the preſident, then his place to be

21. Clerk of the city, to record the certificates of the inspectors.
8. Clerks of election, how appointed...9. Oath...10. Compensation.
33. Collectors, to give bond with sureties.
1. Election, when to be held---to be by ballot---15. How conducted.
3. --------- Places for holding, how and when fixed.
11. --------- Poll of, how opened, adjourned and closed.
23. --------- Special to be ordered in case of vacancy in office.
12, 14. Electors, their qualifications---17. If challenged to take an oath---13. Not to vote out of their wards---29. Exempt from civil process during election.
4. Inspectors of elections, how appointed---5. Vacancy how filled.
6. ---------- In what manner to give notice of election.
20. ---------- When and how to canvass votes, and certify election.
25. ---------- To recover double costs when wrongfully prosecuted.
30. Mayor, when and before whom to qualify into office.
28. Militia, not to be called out during the election.
7. Oaths, Inspectors to take...17, 19. To whom to administer.
27. Penalty, for bribery or corrupt conduct.
28. --------- For calling out the militia during the election.
18. --------- On Inspectors, for admitting improper votes...24, 26. And for wilful and corrupt conduct.
2. Persons guilty of disorderly conduct, Inspectors may imprison.
16. Poll Lists, how kept.

An ACT *relative to the Election of Charter Officers in the City of New-York.*

Paſſed April 5th, 1804.

I. BE *it enacted by the People of the State of New-York, repre-*
1 *ſented in Senate and Assembly*, That the anniverſary elec-
tion for charter officers to be choſen in and for the city of New-York, ſhall commence on the third Tueſday of November in every year; and that all ſuch elections ſhall be by ballot, and may be continued by adjournment from day to day, for two days
2 ſucceſſively, including the firſt; and that all officers ſo choſen ſhall be ſworn into and commence the duties of their reſpective offices on the firſt Monday of December thereafter.

3 II. *And be it further enacted*, That the mayor, aldermen and commonalty of the ſaid city, ſhall, on ſuch day in the month of November in every year, as to them ſhall ſeem meet, at leaſt eight days before the annual day of election above eſtabliſhed, fix upon a proper place in each of the wards of the ſaid city,
4 where ſuch election ſhall be held, and ſhall nominate and appoint three fit and diſcreet perſons reſidents and electors thereof, in-
5 ſpectors of the ſaid election: And further, that in caſe any one or more of the ſaid inſpectors ſhall die, remove out of the ſaid city, refuſe to ſerve, or be rendered incapable of attending any of the ſaid elections before or on the day on which the ſame is to be held, that it ſhall be lawful for the mayor, aldermen and commonalty in every ſuch caſe, and they are hereby required to appoint another ſuch perſon or perſons in the room of the perſon or perſons before appointed; and in caſe the ſaid mayor, aldermen and commonalty ſhall neglect or refuſe to make ſuch appointment, it ſhall be lawful for the mayor of the ſaid city, and

See Diseases—Societies—Waters.

City of Albany.

CHAP. XI.

Contents.

6. Chamberlain, to publish a statement of receipts and expenditures.
1. Common Council, to order the raising a sum of money.
2, 5. Monies, how and by whom to be applied.
3. -------- By whom to be assessed and collected.
4. -------- To be paid into the hands of the Chamberlain.

An ACT *authorizing the Mayor, Aldermen and Commonalty of the City of Albany, to raise a Sum by Tax, for defraying the Expense of Lighting the Lamps, and for the Support of a Night Watch in the said City.*

Passed February 28th, 1804.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall be lawful for 1
the said mayor, aldermen and commonalty, in common council convened, as soon as conveniently may be after the passing this act, to order the raising a sum not exceeding five thousand dollars, by a tax on the estates real and personal of the freeholders and inhabitants within the said city, residing within half a mile westward of Hudson's river, to be applied to the payment of so many 2
watchmen as the said mayor, aldermen and commonalty have employed or shall think necessary to employ for guarding the said city, for defraying the expence of lighting the lamps that now are or may be erected within the said city; which said sum 3
shall be rated and assessed by the assessors of the said city, for the time being, and levied and collected in the manner directed by the act, entitled "An act for the assessment and collection of taxes," passed the eighth day of April, one thousand eight hundred and one.

II. *And be it further enacted*, That the said tax shall be paid in- 4
to the hands of the chamberlain of the said city, to be applied 5
and disposed of from time to time in such manner, for the purposes herein before mentioned, as the said mayor, aldermen and commonalty of the said city, in common council convened, shall direct and appoint; and that the chamberlain of the said city, for 6
the time being, shall publish, as soon as conveniently may be, a state of all monies received and expended by virtue of this act in one or more of the public newspapers printed in the city of Albany.

See Courts—Auction—Dikes—Societies.

City of New-York.

CHAP. LXII.

Contents.

34. Act relative to election of ch. officers, except last sect. repealed.
2. Charter Officers, when to be sworn into office---32. Duration of.
31. ---------- May be appointed during the session of the legislature.

fied by the charter of the ſaid city, to vote for charter officers, and every male citizen of this ſtate, or of any of the United States, of the age of twenty-one years and upwards, who ſhall have reſided in the ſaid city for the ſpace of ſix months preceding ſaid election, and ſhall during that time have rented a tenement of the yearly value of twenty-five dollars, and have paid any taxes within the ſaid city, and is not diſqualified by law, ſhall vote at ſuch election for charter officers, and ſhall be entitled to all the rights and privileges of a freeman of the ſaid city: *Provided always*,

13 V. *And it is hereby further enacted*, That no perſon ſhall vote at any ſuch election except in the ward in which he ſhall actually reſide.

14 VI. *And be it further enacted*, That every mortgagor or mortgagee, when in poſſeſſion of the mortgaged premiſes, and not otherwiſe, ſhall be deemed a freeholder within the meaning of this act; and that no perſon holding lands, tenements or hereditaments in truſt for any body politic or corporate, or for any pious uſe or purpoſe, ſhall thereby acquire or poſſeſs a right to vote.

15 VII. *And be it further enacted*, That the mode of conducting every ſuch election ſhall be as follows: Every perſon who ſhall be qualified to vote at ſuch election for charter officers by virtue of this act, and ſhall offer himſelf to vote, ſhall, at ſuch election, openly deliver his ballot to one of the inſpectors, which ballot ſhall be a paper ticket, containing the name of a perſon for alderman, and the name of a perſon for aſſiſtant, of the ſaid ward, and the name of ſuch other officer or officers as ſhall be to be choſen in the ward in which the elector ſhall reſide, or ſuch and ſo many of them reſpectively as he ſhall think proper to vote for, ſeverally written on the ſame paper ticket, deſignating who is voted for as alderman and who for aſſiſtant, and the like for all the officers to be choſen at ſuch election, and for whom the ſaid elector ſhall think proper to vote; and the ſaid paper ticket ſhall be ſo folded or cloſed as to conceal the writing thereon;

16 and on receipt of every ſuch ballot, the inſpector ſhall cauſe the name of the elector to be entered in the poll liſt by the clerk, and ſhall cauſe the ballot, without ſuffering the ſame to be inſpected, to be put into a box to be provided for the purpoſe, with a ſufficient lock thereto, which box ſhall be locked, and the key thereof kept during the election by any one of the inſpectors ſelected by a majority of them, and a ſmall hole ſhall be made in the lid or cover of the box ſufficient only to receive ſuch ballot, and through which all ballots ſhall be put into the box, and which box ſhall be opened at the times herein after mentioned: And further, that on every adjournment of the poll, the poll liſt ſhall be examined by the inſpectors, and every miſtake ſhall be corrected according to their judgment, whereupon the box ſhall be opened and the poll liſt put into it and locked up therein, and the key delivered to ſuch one of the inſpectors as the majority ſhall appoint, and the ſeal of one of them ſhall be put on the ſaid box ſo as to cover the hole in the lid thereof, and the box ſhall

then be delivered to ſuch other of the inſpectors attending ſuch election as a majority of them ſhall direct, who ſhall carefully keep the ſame, and ſhall, without ſuffering the ſame to be opened, or the ſaid ſeal broken or removed, deliver the ſame box in at the election table at the next opening of the poll, in the preſence of all the ſpectators attending ſuch election, when and where the ſeal ſhall be broken, and the box opened, and the poll liſt taken out, and the box again locked, in order to proceed in the ſaid election, which courſe ſhall be obſerved and purſued until the poll be finally cloſed.

VIII. *And be it further enacted*, That whenever any perſon 17
ſhall preſent himſelf to give his vote or ballot at any ſuch election, as qualified by the charter of the ſaid city and this law, to vote for charter officers, and either of the inſpectors ſhall ſuſpect, or any other elector in ſuch ward ſhall challenge him to be unqualified for the purpoſe, the inſpectors ſhall tender and adminiſter to him the following oath or affirmation : "I do ſolemnly and ſincerely ſwear, or affirm, that I am a freeholder, and that I hold my eſtate by deſcent or deviſe, (if ſuch ſhall be the caſe, and if he ſhall not ſo hold, then) and that I have been ſo for one month next preceding this election, and poſſeſſed in my own right, or in my wife's right, (as the caſe may be,) of a freehold in the city of New-York, and that I do not hold the ſame in truſt for any body politic or corporate, or for any pious or religious uſe whatſoever, and that I have not procured the ſaid freehold under any obligation or promiſe to convey the ſame to any other perſon after this election, or (as the caſe may be) that I am and have been for three months laſt paſt, a freeman of the ſaid city, and do actually reſide in the ſaid ward in which I now offer to vote, or (as the caſe may be) that I have for ſix months next and immediately preceding this election, rented a tenement of the yearly value of twenty-five dollars, within the ſaid city, and have been rated and actually have paid taxes within the ſame, and that I am now an actual reſident in the ward in which I now offer to vote, and that I have not been polled before at this election :" And in caſe any elector ſhall refuſe to take the oath ſo
tendered to him, he ſhall loſe his vote at ſuch election ; and if 18
at any ſuch election an inſpector ſhall receive the vote of any elector who, being tendered the ſaid oath, ſhall refuſe to take the ſame, ſuch inſpector ſhall, for each offence, forfeit the ſum of twenty-five dollars to any perſon who will ſue for the ſame, to be
recovered with coſts : And further the ſaid inſpectors are here- 19
by required to adminiſter the ſaid oath to any perſon who ſhall voluntarily offer to take the ſame.

IX. *And be it further enacted*, That after finally cloſing the 20
poll of any ſuch election the inſpectors of the wards in which ſuch election ſhall be held, ſhall proceed without delay publicly to open the boxes containing the ſaid ballots, and ſhall firſt count the ſaid ballots unopened, and if the number of the ballots in the ſaid box ſhall exceed the number of electors contained in the poll liſt, the ſaid inſpectors ſhall draw out and deſtroy unopened ſo many of the ſaid ballots as ſhall amount to the exceſs, and the

said inspectors shall then proceed to canvass and estimate the the said ballots, and if two or more ballots are found folded or rolled up together, they shall not be estimated; and the said inspectors shall complete the said canvass on the day subsequent to the closing of the poll or sooner, and thereupon shall set down in writing the names of the several candidates for the respective offices with the number of votes for each, and shall thereupon certify and declare who have the majority of votes for each respective office, and shall subscribe their names thereto, and by one of them, to be appointed for that purpose by a majority of them, shall immediately deliver the said certificate (the said inspectors keeping a duplicate thereof) to the clerk of the city or his depu-
21 ty, who shall record the same in a book to be kept for that purpose.

22 X. *And be it further enacted*, That if any person shall be guilty of any disorderly conduct at any such election, or during the time of the canvass and estimate aforesaid, the major part of the inspectors of such election are hereby authorised and required to commit the offender to the gaol of the said city, there to remain during the pleasure of the said inspectors: *Provided*, That such imprisonment shall in no case exceed six hours after the canvass of such election shall be finished, and all sheriffs, under sheriffs, constables and gaolers, are hereby strictly charged and required to aid and obey the inspectors herein.

23 XI. *And be it further enacted*, That if any of the aldermen or other officers of the said city, chosen as aforesaid, shall refuse to serve, die or remove out of the said city before the expiration of the time for which he was chosen to serve in any such office, or shall not be legally qualified to serve in such office, then and in every such case, such office shall be deemed to be vacant, and the mayor, aldermen and commonalty in common council convened, shall order an election to be held to fill every such vacancy, which shall be held, regulated and conducted in the same manner as is prescribed in this act, for the anniversary election of charter officers.

24 XII. *And be it further enacted*, That if any of the said inspectors shall be guilty of any wilful neglect of the duties required of them by this act, or of any partial or corrupt conduct in the execution of the same, and be thereof convicted, every of them so offending and convicted shall forfeit and pay for every such offence, the sum of five hundred dollars, to be recovered by action of debt, or by information, in any court of record; the one moiety thereof to the use of any person who shall prosecute for the same, and the other moiety thereof to the use of the mayor, aldermen and commonalty of the said city; and if the prosecutor in any such suit shall prevail, he shall likewise recover his costs of
25 suit against the person convicted; but if the person so proceeded against shall be acquitted, he shall recover double costs against the prosecutor, and no process shall issue to bring in the party accused until bond be filed in the office of the clerk of the court out of which the process shall issue, in the penalty of two hundred and fifty dollars, with two sufficient freeholders as sureties,

ſuch as the court ſhall approve, to ſecure the defendant double coſts, to become due on a diſcontinuance, withdrawing of the ſuit, or an acquittal, or neglect to bring the ſame to trial within five terms after the appearance of the defendant to anſwer the ſame: And further, that every perſon ſo convicted ſhall alſo ſuffer the 26
ſame pains and penalties as in caſes of wilful and corrupt perjury, and ſhall, from and after ſuch conviction, be utterly diſqualified to hold or enjoy any place or office in this ſtate.

XIII. *And be it further enacted*, That whoever ſhall, by bribe- 27
ry, menace, or other corrupt means or device whatſoever, either directly or indirectly attempt to influence any elector of this city in giving his vote or ballot, or deter him from giving the ſame at any election within ſaid city, by virtue of this act, and ſhall thereof be convicted, ſuch perſon ſo offending and convicted, ſhall forfeit and pay for every ſuch offence five hundred dollars, to be ſued for and recovered by any perſon, and in the manner and under the reſtrictions above preſcribed in actions to be brought for neglect of duty or corrupt conduct; one moiety of which penalty ſhall be recovered to the uſe of the perſon proſecuting for the ſame, and the other moiety thereof to the uſe of the mayor, aldermen and commonalty of the ſaid city, and on ſuch conviction the perſon convicted ſhall for ever thereafter be utterly diſqualified to hold, exerciſe or enjoy any office or place of truſt or profit within this ſtate.

XIV. *And be it further enacted*, That no officer or other per- 28
ſon ſhall call out or order any of the militia of the ſaid city to appear or exerciſe on any day during any election to be held by virtue of this act, except in caſes of invaſion or inſurrection, on pain of forfeiting the ſum of one hundred dollars for every ſuch offence, to be recovered by any perſon who will ſue for the ſame with coſts; the one moiety of ſuch penalty to his own uſe, and the other moiety thereof to the uſe of the mayor, aldermen and commonalty of the ſaid city.

XV. *And be it further enacted*, That it ſhall not be lawful for 29
any officer or miniſter of juſtice to ſerve any civil proceſs in the ſaid city, on any perſon entitled to vote at any election to be held by virtue of this act, on any day during ſuch election.

XVI. *And be it further enacted*, That it ſhall be lawful for eve- 30
ry perſon, hereafter to be appointed mayor of the ſaid city, at any time within twenty days after ſuch appointment, to take the oaths preſcribed by the charter of the ſaid city to be taken by ſuch mayor, before ſuch perſon or perſons as may be appointed by commiſſion under the great ſeal of this ſtate in the nature of a dedimus poteſtatem to adminiſter the oaths required to be taken by perſons holding offices under this ſtate in the ſaid city, inſtead of taking the oaths in the preſence of three or more aldermen of the ſaid city.

XVII. *And be it further enacted*, That it ſhall be lawful for the 31
perſon adminiſtering the government of this ſtate, by and with the advice and conſent of the council of appointment, yearly hereafter to appoint the ſeveral charter officers, who are to be annually appointed, at any time during the ſeſſion of the legiſla-

32 ture in every year; and every officer ſo appointed ſhall hold his office for one year from the time of his appointment, and until another ſhall be appointed and ſworn in his ſtead.

33 XVIII. *And be it further enacted*, That the collector of each ward ſhall, before he enters upon the execution of the duties of his office give bond to the mayor, aldermen and commonalty of the ſaid city, with ſuch ſurety or ſureties, and in ſuch penalty as the chamberlain or treaſurer of the ſaid city ſhall deem ſufficient, conditioned for the true and faithful performance of the office of collector, and in caſe of his neglect or refuſal ſo to do, his office ſhall be conſidered as vacant, and the common council ſhall order a new election.

34 XIX. *And be it further enacted*, That the act, entitled an "An act relative to the election of charter officers, and relative to weigh maſters in the city of New-York," paſſed the 7th day of April, 1801, (except the laſt ſection thereof) ſhall be and the ſame is hereby repealed.

CHAP. LXIII.

Contents.

7. Assessment, how made.
9. Collectors, their fees prescribed.
1. Mayor, Recorder, &c. to order the raising of monies by tax.
2, 5. Monies, when raised, to what purposes to be applied.
1, 4. Tax, monies to be raised by...8. How collected and paid.
3, 6. ------ Former deficiencies of, on whom to be assessed.

An ACT *to enable the Corporation of the City of New-York to raise Monies by Tax.*

Paſſed April 6th, 1804.

I. BE *it enacted by the People of the State of New-York, repre-*
1 *ſented in Senate and Aſſembly*, That the mayor, recorder and aldermen of the city of New-York, as the ſuperviſors of the city and county of New-York, or a majority of them, of whom the mayor or recorder ſhall be one, ſhall be and hereby are empowered, as ſoon as conveniently may be after the firſt day of May next, to order and cauſe to be raiſed by a tax on the eſtates real and perſonal of the freeholders and inhabitants of and ſituate within the ſaid city, and to be collected, a ſum not exceed-
2 ing forty-eight thouſand dollars, to be applied to the ſupport and maintenance of the poor of the ſaid city and county, the ſupport and repairs of the bridewell of the ſaid city, the ſupport and maintenance of criminal perſons, the repairing and taking care of other public buildings in the ſaid city, belonging to or under the cuſtody and care of the mayor, aldermen and commonalty of the city of New-York; the making, regulating, repairing and improving the public ſtreets and roads in the ſaid city and county; the defraying other contingent expenſes ariſing within and properly chargeable to the ſaid city and county, and for defraying the expenſes which the mayor, aldermen and commonalty

of the city of New-York may ſuſtain or be put to in exerciſing the powers veſted in them by the act paſſed the ſecond day of April, one thouſand eight hundred and three, entitled "An act to inveſt the mayor, aldermen and commonalty of the city of New-York with adequate power in relation to certain objects of importance to the police and health of the ſaid city, and for ſup- 3
plying the deficiencies of former taxes upon any and every of the wards of the ſaid city, owing to the inſolvency or inability of the collectors of the ſaid wards, any or either of them, or others, and fees of collection not heretofore provided for, ſuch deficiencies, however, to be aſſeſſed on the eſtates real and perſonal of the freeholders and inhabitants of and ſituate within the ſaid wards reſpectively where they ſhall happen as aforeſaid: And 4
alſo a further ſum, not exceeding twenty-ſeven thouſand dollars, by a tax on the eſtates real and perſonal of the freeholders and inhabitants of and ſituate within the ſaid city, to the ſouthward of a line beginning at the North river, at a place called Deklyn's ferry, a little to the northward of the ſtate-priſon; thence eaſtwardly, in front of the new banking houſes, to the road commonly called the Sandy-hill road; thence along the ſaid Sandy-hill road, to the northward of Potter's Field and the houſe of William Neilſon, to the Bowery road; thence acroſs the Bowery road to a ſtreet commonly called Stuyveſant-ſtreet, and through the middle thereof to the Eaſt river, to be applied to 5
the payment of ſo many watchmen as the mayor, aldermen and commonalty of the city of New-York, in common council convened, ſhall appoint and employ for watching and guarding the ſaid city, to the purchaſing of oil, providing lamps and putting up of the ſame, and repairing, cleanſing and lighting thoſe which now are or hereafter may be erected within that part of the ſaid city laſt deſcribed, to the digging, cleanſing, making and repairing public wells and pumps in the ſaid city, and to defray the other contingent expenſes ariſing in and properly chargeable to that part of the ſaid city, to the ſouthward of the line aforeſaid, as the ſaid mayor, aldermen and commonalty in common council convened, may from time to time direct, and for ſupplying 6
deficiencies of former taxes upon the ſame part of the ſaid city laſt deſcribed, owing to inſolvencies and fees of collection not heretofore provided for, ſuch deficiencies, however, to be aſſeſſed on the eſtates real and perſonal of the freeholders and inhabitants of and ſituate within thoſe parts of the ſaid city to the ſouthward of the line aforeſaid.

II. *And be it further enacted*, That the ſaid ſeveral ſums of 7
money ſhall be aſſeſſed in the manner directed by the act, enti-
tled "An act for the aſſeſſment and collection of taxes;" and 8
each perſon's tax in one ward ſhall be collected in one payment, and the monies ſo collected paid into the hands of the treaſurer or chamberlain of the ſaid city, at ſuch time after the firſt day of May next as the ſaid mayor, recorder and aldermen, as the ſaid ſupervifors of the city and county of New-York, or a majority of them, of whom the mayor or recorder ſhall be one, ſhall appoint and direct.

9 III. *And be it further enacted*, That it shall be lawful for the collectors of the first, second and third wards of the said city, to retain in their hands three cents on each dollar by them collected: The collectors of the fourth, fifth, sixth, seventh and eighth wards of the said city to retain in their hands four cents on each dollar by them collected; and the collector of the ninth ward of the said city to retain in his hands five cents on each dollar by him collected, and no more, as a full compensation for their trouble in collecting and paying to the said treasurer or chamberlain the monies which shall be raised by virtue of this act.

Town Meetings.

CHAP. LXXXVI.

Contents.

Time of holding Annual Town Meetings in the Counties of Onondaga, Cayuga, Ontario and Genesee, altered.

An ACT *to amend the Act, entitled "An Act concerning the Duties and Privileges of Towns."*

Passed April the 9th, 1804.

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That from and after the first Tuesday in April next, the annual town meetings to be held in the several towns of the counties of Onondaga, Cayuga, Ontario and Genesee, shall be held on the first Tuesday in April in every year; and that all town officers chosen at the town meetings held on the first Tuesday of March, one thousand eight hundred and four, shall hold their respective offices until the first Tuesday in April, one thousand eight hundred and five, and until others are elected in their stead; and that all business relating to the said towns which would be otherwise transacted on the last Tuesday in February, shall be transacted on the last Tuesday in March in every year thereafter.

Courts.

CHAP. III.

An ACT *relative to the Time for holding the Circuit Courts, and Courts of Oyer and Terminer, in and for the County of Albany.*

Passed February 11th, 1804.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the circuit court and court of oyer and terminer, appointed to be held in and for the county of Albany, on the first Tuesday in March next, shall be held on the second Tuesday in April thereafter.

II. *And be it further enacted*, That hereafter there ſhall be held in the ſaid county two circuit courts in each year at leaſt, one of which ſhall commence on the ſecond Tueſday of April, and the other on the third Tueſday of October: *Provided nevertheless*, That the judges of the ſupreme court ſhall have power, as occaſion may require, during any term of the ſaid court, to alter the times as aforeſaid limited and appointed for ſuch circuits, to any other days in the months of April and October, ſo that the ſame be done two terms at leaſt previous to the circuit intended to be altered.

CHAP. XXV.

An ACT *to alter the Time of holding the February Term of the Courts of Common Pleas and General Sessions of the Peace in and for the County of Delaware.*

Paſſed March 20th, 1804.

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That from and after the paſſing of this act the February term of the courts of common pleas and general ſeſſions of the peace, in and for the county of Delaware, ſhall be held on the third Tueſday in January in every year, at the uſual place for holding the ſame, and ſhall be called the January term of ſaid court.

CHAP. XXVII.

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An ACT *for establishing Courts of Justices of the Peace in and for the City of New-York.*

Passed March 24th, 1804.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for the person administering the government of this state for the time being, by and with advice and consent of the council of appointment, from time to time to appoint and commission, not exceeding eight justices of the peace in and for the city of New-York, and that the said justices shall hold the said offices during the pleasure of the said council, and that the said commissions shall be issued once at least in every three years.

II. *And be it further enacted*, That the said justices shall jointly and severally have, exercise and enjoy all the powers and privileges of justices of the peace, as to keeping of the peace in the said city and county, except the right and power of holding courts of sessions of the peace, of sitting as judges in any court of sessions of the peace, to be held in and for the city and county of New-York, by the mayor, recorder and aldermen of the said city, or any three or more of them, of whom the mayor or recorder always to be one; and each of the said justices shall have the like power to commit offenders, and to take recognizance for their appearance, and for their keeping the peace, and for their good behavior, and to take recognizance for the appearance of witnesses against offenders, as any other justices of the peace in any other county of this state, hath by law; and all recognizances taken by the said justices, any or either of them, for the appearance of any person in any courts, shall, together with the examinations and evidence taken before such justice or justices, be delivered by him or them to the court in which the person for whose appearance such recognizance is taken, is to appear.

III. *And be it further enacted*, That each of the said justices, shall have power to take affidavits and depositions to be read and used in the supreme court of judicature of this state, according to the rules and practice of the said court, which shall have the same force and effect as if taken before any judge of the said court, or any commissioner empowered by law to take such affidavit, and shall be entitled to such fees therefor, as are allowed by law.

IV. *And be it further enacted*, That the said justices from and after the thirtieth day of April next, shall have power and authority and are hereby required to hold two courts in the said city of New-York, one of which shall be held at the city-hall of the

ſaid city, and the other at ſuch place as the ſaid juſtices ſhall appoint, not exceeding one quarter of a mile from the preſent
8 new watch-houſe in the ſaid city; and in the ſaid courts to hear, try and determine according to law and equity, all actions of debt, detinue, account, covenant, treſpaſs and treſpaſs on the caſe, wherein the ſum or balance due, or thing demanded, ſhall
9 not exceed the value of fifty dollars: And alſo all actions and informations upon any ſtatute of this ſtate, and upon the charter or any bye-law of the corporation of the ſaid city, made or to be made, where the penalty or forfeiture ſhall not exceed fifty dollars: And alſo, all actions to be brought by any ſeaman or mariner againſt the owner or owners, maſter or commander of any ſhip or veſſel, in any merchant ſervice, for or by reaſon of the non-performance or breach of any agreement or contract made by ſuch ſeaman or mariner with the ſaid owner, maſter or commander for ſervices or compenſation for ſervices on board of any ſuch ſhip or veſſel, or for wages or compenſation for ſervices on board of any ſuch ſhip or veſſel, during any voyage performed or in part performed, by ſuch ſhip or veſſel, notwithſtanding ſuch wages, compenſation or damages, ſhall exceed fifty dollars: And the ſaid courts reſpectively, ſhall alſo have cognizance of and power to hear and determine all actions to be brought by any owner or owners, maſter or commander of any ſhip or veſſel in the merchant ſervice, againſt any ſeaman or mariner, for or by reaſon of the non-performance of any agreement or contract, made by ſuch ſeaman or mariner with ſuch owner or owners, maſter or commander of any ſuch ſhip or veſſel, for ſervices to be performed by him as a ſeaman or mariner on board ſuch ſhip or veſſel, for any voyage performed, wholly or in part, or intended to be performed, notwithſtanding the damages ſuſtained, or ſum of money demanded, by reaſon of the non-performance
10 of ſuch agreement or contract, ſhall exceed fifty dollars: And alſo, all actions for aſſault and battery and falſe impriſonment, done or committed by any maſter or commander of any ſhip or veſſel in the merchant ſervice, upon any officer, ſeaman or mariner, or other perſon on board of or belonging to ſuch ſhip or veſſel, upon the high ſeas, or in any foreign port or place where ſuch ſhip or veſſel may then be, of which the ordinary courts of common law of this ſtate now have cognizance: and all actions for aſſault and battery, and falſe impriſonment, done or committed by any officer, of any ſhip or veſſel in the merchant ſervice, upon any ſeaman or mariner, or other perſon on board of or belonging to ſuch ſhip or veſſel, or by any ſeaman or mariner or other perſon on board of or belonging to ſuch ſhip or veſſel, upon the maſter, commander or other officer thereof, or by one ſeaman or mariner or other perſon on board of or belonging to ſuch ſhip or veſſel, upon another ſeaman or mariner or other perſon on board of or belonging to ſuch ſhip or veſſel, upon the high ſeas, or in any foreign port or place where ſuch ſhip or veſſel may then be, of which the ordinary courts of common law of this ſtate now have cognizance, notwithſtanding the damages ſuſtained or demanded by reaſon thereof, ſhall exceed fifty dollars: And for the purpoſe of hear-

ing, trying and determining all ſuch actions as are hereby made cognizable before the ſaid courts; ſuch courts are hereby veſted with all ſuch power and authority, for the purpoſe aforeſaid, as other courts of record in this ſtate: *Provided always*,

V. *And be it further enacted*, That nothing herein contained 11
ſhall be conſtrued to give the ſaid courts power to proceed in any of the matters aforeſaid, as courts of admiralty or of maritime juriſdiction; nor ſhall the authority of the ſaid courts extend to any debt or demand for any money or thing won at or by means of any horſe race, cock match, or any kind of gaming, play or wager, although the ſame ſhall not exceed the value of fifty dollars; nor to any action wherein the people of this ſtate ſhall be concerned, or where the title of any lands ſhall or may in any wiſe come in queſtion, or to any action of ſlander, or to any action of aſſault and battery or falſe impriſonment, other than thoſe committed on the high ſeas or in a foreign port, as herein before particularly ſpecified; nor to matters of account where the ſum total of the accounts of both parties exceeds in the amount or value thereof the ſum of two hundred dollars, and thoſe accounts proved to the ſatisfaction of the court.

VI. *And be it further enacted*, That the ſaid juſtices, for the 12
purpoſe of hearing, trying and determining the ſeveral actions and matters herein before made cognizable before them, ſhall and may, from and after the thirtieth day of April next, hold the ſaid courts every day, except Sunday, the fourth day of July, the twenty-fifth day of November, the twenty-fifth day of December, and the firſt day of January in every year: And it ſhall 13
be the duty of the ſaid juſtices to hold the ſaid courts according to the following rotation, that is to ſay: the firſt and ſecond perſons named in the ſaid commiſſion ſhall attend and hold the court to be holden at the city-hall aforeſaid, and the third and fourth perſons named in the ſaid commiſſion ſhall attend and hold the other court to be holden by the ſaid juſtices the firſt week; the fifth and ſixth perſons named in the ſaid commiſſion ſhall hold the court at the city-hall, and the ſeventh and eighth perſons named in the ſaid commiſſion ſhall hold the other court the ſecond week, and ſo on until all the juſtices have ſerved one week in one of the ſaid courts, if they conſiſt of an even number, or otherwiſe all but one, and then the perſons laſt and firſt named in the ſaid commiſſion ſhall hold one of the ſaid courts, and the ſecond and third perſons named in the ſaid commiſſion ſhall hold the other court the next week, and ſo on in the like rotation thereafter: *Provided always*, That nothing herein contained 14
ſhall be conſtrued to exclude or debar any of the ſaid juſtices, although they be not in rotation, from ſitting in either of the ſaid courts, but that all and every of them ſhall and may, when and ſo often as they ſhall reſpectively think fit, ſit and give judgment in the ſame; and in caſe of the death or inability of any one of 15
the ſaid juſtices whoſe duty it may be to attend either of the ſaid courts according to the ſaid rotation at any time, then and in every ſuch caſe, it ſhall be the duty of him who is next in rotation to attend the ſaid court in the place of him ſo deceaſed or

16 unable to attend; and further, that it shall be lawful for the said justices, if they shall deem it expedient, to alter the rotation herein before prescribed: *Provided always*, That two justices shall attend and hold each of the said courts.

17 VII. *And be it further enacted*, That if the justices present shall at any time, in either of the said courts, be equally divided upon any question before them, the senior justice present, that is, he whose name stands first in the commission, shall have the casting vote.

18 VIII. *And be it further enacted*, That it shall and may be lawful for the said justices, or the major part of them, by writing under their hands and seals, from time to time as occasion shall require, to appoint a clerk for each of the said courts, and from time to time to remove such clerks or either of them, and to appoint another or others in his or their stead, and to which clerks they shall administer an oath faithfully and honestly to
19 perform and discharge the duties of the said office; and that it shall be lawful for the said justices, and they are hereby required to cause seals to be made for the said courts: *Provided however*, That the present seal of the said court shall continue to be the seal of the court which shall be holden at the city-hall until the said justices shall think proper to direct a new one to be made.

20 IX. *And be it further enacted*, That no judgment shall be given nor any rule or order made in any cause in either of the said courts, to be held before the said justices, nor any conviction had upon any statute or law, unless two of the same justices at the least shall be present, and if only one of them shall attend on any court day, he shall adjourn the said court to the next court day;
21 and if on any court day neither of them shall attend, then the clerk of the same court shall and may adjourn the court to the
22 next court day: *Provided nevertheless*, That it shall and may be lawful for any one of the said justices to receive the confession of the defendant or defendants of the action of the plaintiff, and of the debt and damages or sum of money due to the plaintiff, and to give judgment, and issue execution thereupon in like manner as if any two of them were present.

23 X. *And be it further enacted*, That the clerks of the said courts respectively, shall cause to be made and entered or registered in proper books to be kept for that purpose, a docket or register of all summonses, warrants, precepts, executions and process to be issued by the said courts, and of the returns to all such summonses, warrants and executions, and also proper entries of all acts, orders, dismissions, decrees, judgments, adjournments, and proceedings of the said courts, and also the substance of the plaintiff's charge or demand, and of the defendant's plea.

24 XI. *And be it further enacted*, That all applications for process, for the recovery of any debt or demand by virtue of this act, shall be made to one or either of the said courts, or to the clerk of the same, and not otherwise; and that all process to be issued out of the said courts shall be tested in the name of the said justices, and be signed by the clerk of the court out of which the same shall be issued, with his name, and with the words "by the court," and sealed with the seal of the said court.

XII. *And be it further enacted*, That every ſummons or warrant 25
to be iſſued by virtue of this act, may iſſue againſt any joint debtors
in the ſame manner as againſt individual debtors; and in caſe the
ſame ſhall be duly ſerved in manner herein after directed upon
either of ſuch joint debtors, ſuch joint debtor on whom the ſame
ſhall be ſo ſerved, ſhall anſwer to the action, and the judgment ſhall
in ſuch caſe be againſt the joint debtor or debtors on whom the
ſame was ſo ſerved, and againſt the other joint debtor or debtors
named in ſuch ſummons or warrant, in the ſame manner as if
ſuch proceſs had been duly ſerved on all ſuch joint debtors:
Provided however, That no execution ſhall iſſue againſt the body
or goods the ſole property of any debtor on whom proceſs was
not ſerved.

XIII. *And be it further enacted*, That it ſhall and may be law- 26
ful for executors and adminiſtrators to ſue and be ſued in the
ſaid courts; and that all other perſons, as well attornies as others, 27
may ſue and be ſued, implead and be impleaded, in the ſaid
courts, in any plaint, ſuit or action cognizable before the ſaid juſ-
tices, ſaving nevertheleſs the privilege of freedom from arreſt of 28
ſuch attorney or other perſon whoſe duty it ſhall be to attend on
any other court in the ſaid city during the ſeſſions of ſuch court.

XIV. *And be it further enacted*, That where any parties ſhall 29
agree to enter an action before either of the ſaid courts without
any proceſs, the court ſhall proceed in the ſame manner as if a
ſummons or warrant had iſſued.

XV. *And be it further enacted*, That the firſt proceſs againſt all 30
freeholders and inhabitants having families, except as herein after
is excepted, ſhall be by ſummons, which ſhall be ſerved at leaſt 31
ſix, but not more than twelve days before the time of appearance
of the defendant therein mentioned, by reading the ſame ſum-
mons to each of the defendants, and delivering to him or her a
copy thereof when required, if he or ſhe ſhall be found, and if
not, by leaving a copy thereof at his or her houſe or place of abode,
in the preſence of one of the family of ſuitable age and diſcre-
tion, who ſhall be informed of the contents thereof, and the con-
ſtable or officer ſerving ſuch ſummons ſhall, upon the oath of his
office, endorſe thereupon the time and manner he executed the
ſame, and ſign his name thereto. And in caſe the defendant does 32
not appear at the time and place appointed in ſuch ſummons,
and it ſhall appear by the return endorſed thereon, that the ſum-
mons was duly ſerved upon the perſon of the defendant in the
manner aforeſaid, and no ſufficient reaſon ſhall appear to the
court why the defendant does not appear at the time appointed,
then the ſaid court ſhall proceed to hear, try and determine the
cauſe in the ſame manner as if the defendant had appeared and
denied the plaintiff's charge or demand by plea; but if ſuch 33
ſummons was ſerved only by leaving a copy thereof at the houſe
or place of abode of the defendant as aforeſaid, and the defend-
ant does not appear at the time and place appointed in ſuch ſum-
mons, and no ſufficient reaſon ſhall appear to the court why the
defendant does not appear, then the ſaid court ſhall iſſue a war-
rant againſt ſuch defendant unleſs the plaintiff ſhall elect to have

a new ſummons againſt ſuch defendant, and in all caſes where a ſufficient reaſon ſhall appear to the court why the defendant does not appear at the time and place appointed in the ſummons, the court ſhall give the defendant ſuch further time as they ſhall think reaſonable, and at ſuch time ſo given the court ſhall and may proceed as aforeſaid.

34 XVI. *And be it further enacted*, That every ſummons to be iſſued out of the ſaid courts ſhall be in the form following: "The people of the ſtate of New-York, to the conſtables and marſhals of the city of New-York, and to every of them, greeting: We command you to ſummon A. B. if he ſhall be found in the ſaid city, to be and appear before our court of the juſtices of the peace in and for the city of New-York, at on the day of at o'clock in the noon, to anſwer unto C. D. of a plea of (here inſert the nature or cauſe of action, and the ſum demanded) and have you then there this precept. Witneſs our ſaid juſtices at the day of in the year of our Lord

By the court. E. F. Clerk."

35 XVII. *And be it further enacted*, That it ſhall and may be lawful for any conſtable or marſhal of the city of New-York (the ninth ward of the ſaid city excepted) to execute proceſs to be iſſued out of the ſaid courts by virtue of this act, in any part of
36 the city, (except as is before excepted) and that no perſon ſhall be proceeded againſt by ſummons to be iſſued out of either of the ſaid courts, who ſhall not reſide within the limits of the juriſdiction thereof.

37 XVIII. *And be it further enacted*, That if any plaintiff, or his or her attorney, applying for proceſs, ſhall prove upon oath, to the ſatisfaction of the court or the clerk thereof, who is hereby authorized and empowered to adminiſter the ſaid oath, that if ſuch proceſs be by ſummons againſt any ſuch freeholder or inhabitant having a family, the plaintiff will be in danger of loſing his or her debt or demand thereby, or doth really and ſincerely believe that ſuch freeholder or inhabitant will depart the city of New-York, or if the plaintiff, being a non-reſident of the ſaid city, ſhall give ſecurity to pay the debt or damages, and coſts of ſuit, in caſe judgment ſhall be given againſt him or her, or if the action ſhall be for any ſum or penalty on any ſtatute, or on the ſaid charter or bye-law of the ſaid corporation, that then, and in either of ſuch caſes, a warrant may iſſue immediately.

38 XIX. *And be it further enacted*, That the firſt proceſs in all caſes not otherwiſe provided for, may, if the plaintiff ſhall ſo elect, be by warrant, which ſhall be in the following form: "The people (as in caſe of a ſummons) we command you to take A. B. if he ſhall be found in the ſaid city, and bring him forthwith before our court," (as in caſe of a ſummons.)

39 XX. *And be it further enacted*, That when any proceſs ſhall be iſſued by virtue of this act, the conſtable, or other proper officer to whom ſuch proceſs ſhall be directed and delivered, ſhall proceed agreeably to this act, and execute ſuch proceſs in his own
40 proper perſon, unleſs the court ſhall, at the requeſt of the plain-

XII. *And be it further enacted*, That every ſummons or warrant 25
to be iſſued by virtue of this act, may iſſue againſt any joint debtors
in the ſame manner as againſt individual debtors; and in caſe the
ſame ſhall be duly ſerved in manner herein after directed upon
either of ſuch joint debtors, ſuch joint debtor on whom the ſame
ſhall be ſo ſerved, ſhall anſwer to the action, and the judgment ſhall
in ſuch caſe be againſt the joint debtor or debtors on whom the
ſame was ſo ſerved, and againſt the other joint debtor or debtors
named in ſuch ſummons or warrant, in the ſame manner as if
ſuch proceſs had been duly ſerved on all ſuch joint debtors:
Provided however, That no execution ſhall iſſue againſt the body
or goods the ſole property of any debtor on whom proceſs was
not ſerved.

XIII. *And be it further enacted*, That it ſhall and may be law- 26
ful for executors and adminiſtrators to ſue and be ſued in the
ſaid courts; and that all other perſons, as well attornies as others, 27
may ſue and be ſued, implead and be impleaded, in the ſaid
courts, in any plaint, ſuit or action cognizable before the ſaid juſ-
tices, ſaving nevertheleſs the privilege of freedom from arreſt of 28
ſuch attorney or other perſon whoſe duty it ſhall be to attend on
any other court in the ſaid city during the ſeſſions of ſuch court.

XIV. *And be it further enacted*, That where any parties ſhall 29
agree to enter an action before either of the ſaid courts without
any proceſs, the court ſhall proceed in the ſame manner as if a
ſummons or warrant had iſſued.

XV. *And be it further enacted*, That the firſt proceſs againſt all 30
freeholders and inhabitants having families, except as herein after
is excepted, ſhall be by ſummons, which ſhall be ſerved at leaſt 31
ſix, but not more than twelve days before the time of appearance
of the defendant therein mentioned, by reading the ſame ſum-
mons to each of the defendants, and delivering to him or her a
copy thereof when required, if he or ſhe ſhall be found, and if
not, by leaving a copy thereof at his or her houſe or place of abode,
in the preſence of one of the family of ſuitable age and diſcre-
tion, who ſhall be informed of the contents thereof, and the con-
ſtable or officer ſerving ſuch ſummons ſhall, upon the oath of his
office, endorſe thereupon the time and manner he executed the
ſame, and ſign his name thereto. And in caſe the defendant does 32
not appear at the time and place appointed in ſuch ſummons,
and it ſhall appear by the return endorſed thereon, that the ſum-
mons was duly ſerved upon the perſon of the defendant in the
manner aforeſaid, and no ſufficient reaſon ſhall appear to the
court why the defendant does not appear at the time appointed,
then the ſaid court ſhall proceed to hear, try and determine the
cauſe in the ſame manner as if the defendant had appeared and
denied the plaintiff's charge or demand by plea; but if ſuch 33
ſummons was ſerved only by leaving a copy thereof at the houſe
or place of abode of the defendant as aforeſaid, and the defend-
ant does not appear at the time and place appointed in ſuch ſum-
mons, and no ſufficient reaſon ſhall appear to the court why the
defendant does not appear, then the ſaid court ſhall iſſue a war-
rant againſt ſuch defendant unleſs the plaintiff ſhall elect to have

against him or her; and in default in giving such security, the court shall proceed to trial without an adjournment.

45 XXIV. *And be it further enacted*, That in all cases when a warrant shall issue, if the plaintiff or defendant shall require a longer time than is first appointed by the court to try the said cause, and will, if required, give sufficient security to appear and stand trial on such other day as shall be appointed, and pay the debt, damages and costs in case judgment shall be given against him, her or them, that then the said court shall adjourn the said cause to any time they may deem proper and convenient, not exceeding twelve days: *Provided always*, That where a warrant shall issue in favor of a non-resident, and who shall have given security as herein before mentioned, the said court shall not adjourn the cause for more than four days, unless the parties agree to allow a longer time.

46 XXV. *And be it further enacted*, That in all causes to be brought in pursuance of this act, the defendant or defendants, if he, she or they have any account or demand against the plaintiff in such action, shall and may plead and set off the same against
47 the debt or demand of the plaintiff: And if the defendant or defendants in such suit or action shall neglect or refuse to plead and give in evidence his, her or their account or demand, if any he, she or they have against such plaintiff or plaintiffs, then the defendant or defendants so neglecting or refusing to plead and give in evidence his, her or their accounts or demands aforesaid, shall for ever thereafter be precluded from having or maintaining any action or actions against such plaintiff or plaintiffs for the recovery of such account or demand, or any part thereof: *Provided always*, That where the balance due to the defendant exceeds the sum of fifty dollars, that in every such case the defendant shall not be precluded or barred from recovering his account or demand against such plaintiff in any other court of record having cognizance of the same.

48 XXVI. *And be it further enacted*, That when in any action of trespass to be brought by virtue of this act, the defendant or defendants shall justify on a plea of title, the defendant or defendants shall commit such plea of justification to writing, and having signed the same in the presence of the court, shall deliver such plea to the court, and the justices presiding shall then countersign the same, and deliver it to the plaintiff or plaintiffs: and that it shall and may be lawful to and for such plaintiff or plaintiffs, to commence and prosecute an action for such trespass against such defendant or defendants in the mayor's court of said city, and if such plaintiff or plaintiffs shall recover any damages in such action, the defendant or defendants shall be liable to pay to such plaintiff or plaintiffs double costs: And on every trial to be had for such trespass, the plea signed by such defendant or defendants, shall be conclusive evidence that the defendant or defendants relied on his, her or their title to justify such trespass; and that the said court shall, before they shall receive such plea, exact from the defendant or defendants, together with one sufficient security, a recognizance in the sum of fifty dollars, con-

tiff, judge it expedient to depute ſome other proper perſon who will voluntarily undertake to execute the ſame without fee or reward, but no perſon ſhall be ſo deputed to empannel or ſummon any jury, or ſerve an execution.

XXI. *And be it further enacted,* That it ſhall and may be law- 41
ful when any defendant is taken on any warrant iſſued out of either of the ſaid courts, and the court out of which ſuch warrant iſſued ſhall not be then ſitting, or if ſitting, unable by means of other buſineſs, to try the cauſe immediately, for the conſtable or marſhal, or other officer having ſuch warrant, to bring the defendant before the clerk of ſuch court, who ſhall thereupon take ſufficient ſecurity for the appearance of ſuch defendant at the next court day, and in caſe ſuch defendant ſhall neglect or refuſe to give ſuch ſecurity, to the ſatisfaction of the ſaid clerk, that then it ſhall and may be lawful for the conſtable or marſhal having ſuch warrant, thereupon to take ſuch defendant to the gaol in the city and county of New-York, and there to deliver him or her to the cuſtody of the keeper of the ſaid gaol, who is hereby required to receive ſuch defendant, and to keep him or her in ſafe cuſtody in the ſaid gaol until the next court day, when the conſtable or marſhal having ſuch warrant, or ſome other conſtable or marſhal who may be directed by the court in writing, ſhall bring ſuch defendant before the ſaid court: *Provided,* That it ſhall not be lawful for the ſaid keeper to keep ſuch defendant in his cuſtody upon ſuch warrant for a longer time than forty-eight hours.

XXII. *And be it further enacted,* That upon the return of any 42
ſummons, if the ſame ſhall be duly ſerved by reading as aforeſaid, or upon the appearance of the defendant purſuant to any ſummons ſerved by a copy as aforeſaid, or upon bringing the defendant into court upon a warrant which ſhall have been iſſued in conſequence of his neglecting to appear in purſuance of any ſummons ſerved by copy as aforeſaid, or at ſuch other time as the court ſhall deem meet and convenient, not exceeding ſix days thereafter, the ſaid court ſhall proceed to hear and examine the proofs and allegations of the parties, and ſhall, within four days thereafter, give their judgment thereon in ſuch manner as ſhall appear to the ſaid court to be agreeable to law and equity, together with coſts of ſuit.

XXIII. *And be it further enacted,* That immediately upon 43
bringing the defendant into court by virtue of a warrant, other than a warrant iſſued in conſequence of the neglect of the defendant to appear when ſummoned, or a warrant iſſued by a non-reſident, or at ſuch other time as the court ſhall think reaſonable to appoint, not exceeding ſix days, the court ſhall proceed to hear and examine the proofs and allegations of the parties, and give judgment as aforeſaid; but if, upon bringing in the defendant as 44
aforeſaid, an adjournment be made without the conſent of the plaintiff, then the defendant, if required by the plaintiff, ſhall give ſufficient ſecurity for his or her perſonal appearance on the day to which ſuch adjournment ſhall be made, and in default of ſuch appearance, to pay the debt and coſts if judgment ſhall be given

54 the ſame; and to this end it ſhall be the duty of each of the clerks of the ſaid courts, at leaſt once in every year after the paſſing of this act, to procure a liſt of the names of ſuch perſons who ſhall or may reſide in the ſaid city (the ninth ward excepted) as are qualified to ſerve on juries in this court; and the names of the perſons ſo qualified, who ſhall or may reſide in the firſt ward of the ſaid city, ſhall be written on ſeparate ſlips of paper by the ſaid clerk, and by him put into a box; and upon a jury being demanded as aforeſaid, the ſaid clerk ſhall draw from the ſaid box the names of twelve or twenty perſons, as the caſe may require, neither of whom ſhall be of kin to either party, nor intereſted in ſuch ſuit: And the names of the perſons ſo drawn as aforeſaid, with their places of abode and occupations, ſhall be written on a piece of paper or parchment, and annexed to the venire to be iſſued in the ſaid cauſe, which venire and panel ſhall be directed and delivered to the proper officer; and the perſons named in the ſaid panel ſhall be by him ſummoned to appear before the ſaid court, at the time and place mentioned in the ſaid venire; and on the return thereof, the clerk of the ſaid court ſhall cauſe the names of the perſons ſo empannelled to be written on ſeveral and diſtinct pieces of paper, as nearly of one ſize as may be, and rolled up ſeparately, and as near as may be in one and the ſame manner, and put together in a box, or ſome convenient thing, and delivered to the ſaid court: And on the trial of ſuch cauſe, the ſaid court, or ſuch indifferent perſon as they ſhall appoint for that purpoſe, ſhall draw out ſix or twelve of the ſaid papers, as the caſe may require, one after another; and if any of the perſons whoſe names ſhall be ſo drawn ſhall not appear, or ſhall be challenged and ſet aſide, then ſuch further number thereof ſhall be drawn as ſhall make up the ſaid number of ſix or twelve, as the caſe may require, who do appear (after all legal cauſes of challenge allowed) who ſhall be the jury to try the cauſe: And after all the names of the perſons reſiding in the ſaid firſt ward ſhall be drawn as aforeſaid, out of the box firſt above mentioned, then the names of the perſons qualified as aforeſaid, and who ſhall or may reſide in the ſecond ward, ſhall in like manner be put in and drawn out; and then thoſe of the third ward, and ſo on, until the names of all the perſons mentioned in the aforeſaid liſt ſhall be drawn, commencing again with the firſt ward.

55 XXX. *And be it further enacted*, That no more than one jury ſhall be ſummoned to attend the ſame court on any one day; and if there ſhall be more than one cauſe to be tried in the ſame court on that day, the ſame jurors ſhall be returned in each cauſe; and every perſon qualified to ſerve as a juror upon trials in the mayor's court of the city of New-York, ſhall be conſidered as duly qualified to ſerve as a juror upon trials in the ſaid courts, before the ſaid juſtices.

56 XXXI. *And be it further enacted*, That the ſaid court ſhall adminiſter to each of the jurors who ſhall try the cauſe, the following oath: "You do ſwear in the preſence of Almighty God, that you will well and truly try the matter in difference between

plaintiff and defendant, and a true verdict will give according to evidence;" and after the said jury have taken the oath aforesaid, they shall sit together and hear the several proofs and allegations of the parties, which shall be delivered in public in their presence; and to each of the witnesses on the said trial the said court shall administer the following oath, viz. "You do 57
swear, in the presence of Almighty God, that the evidence you shall give in this matter of difference between plaintiff and defendant, shall be the truth, the whole truth, and nothing but the truth:" And after hearing the proofs and allegations, the jury shall be kept together in some convenient place until they all agree upon a verdict; and for which purpose a constable or marshal shall be sworn, and to whom the court shall administer the following oath, viz. "You do swear, in the pre- 58
sence of Almighty God, that you will, to the utmost of your ability, keep every person sworn on this inquest together in some private and convenient place, without meat or drink, (water excepted;) you will not suffer any person to speak to them, nor speak to them yourself, unless by order of the court, unless it be to ask them whether they have agreed on their verdict, until they have agreed on their verdict:" And when the jury have 59
agreed on their verdict, they shall deliver the same to the court, which is hereby required to give judgment thereupon, and to 60
award execution: *Provided*, That no oath of either party, or 61
ex-parte affidavit of any other person, shall be allowed to be given in evidence in any such action, unless the parties agree thereto; nor shall the said courts, or either of them, have the right or power to award or grant a new trial in any case whatever.

XXXII. *And be it further enacted*, That every person summon- 62
ed and drawn as a juror in any action which shall or may be brought in either of the said courts, who shall not appear, or appearing shall refuse to serve in any such action, shall forfeit and pay for every such default or refusal, unless some reasonable cause be proved on oath, to the satisfaction of the court, such fine or fines not exceeding ten dollars, as the said court shall think reasonable to impose; and that every person who shall be 63
subpœnaed as a witness in any action brought as aforesaid, and who shall not appear, or appearing shall refuse to give evidence in such action, shall forfeit and pay for every such default or refusal, unless some reasonable cause shall appear as aforesaid, such fine or fines, not exceeding fifty dollars, as the said court shall think reasonable to impose; and the said court is hereby author- 64
ized and required to issue a warrant to any proper officer, to levy the same on the goods and chattels of the offender, and for the want thereof, to take and convey him or her to the gaol of the city and county of New-York, there to remain until he or she pay such fine, together with the costs attending the same; and the keeper of such gaol is hereby commanded to keep such offender in safe custody in such gaol until such fine, together with the costs, shall be paid: *Provided always*, That no such fine or fines shall be imposed unless oath shall first have been made before the court by some credible person, that such juror or wit-

neſs ſo in default hath been lawfully ſummoned or ſubpœnaed as
65 aforeſaid; all and every of which ſaid fines ſhall be delivered by the ſaid court to the overſeers of the poor for the uſe of the poor of the ſaid city of New-York.

66 XXXIII. *And be it further enacted*, That if the plaintiff, other than executors and adminiſtrators in any action, ſhall be non-ſuited or diſcontinue or withdraw his, her or their action, without the conſent of the defendant, then judgment ſhall be given againſt ſuch plaintiff for the coſts accrued, and execution may thereupon iſſue for the ſame immediately, or if he or ſhe ſhall appear to be indebted to the defendant, then judgment ſhall be given againſt him or her for the debt, or damages and coſts, as the caſe may require.

67 XXXIV. *And be it further enacted*, That no perſon having a family reſiding within the ſtate, and not being a freeholder within the ſaid ſtate, ſhall be impriſoned or committed to gaol upon any execution to be iſſued on any judgment given by virtue of this act, for any ſum not exceeding twenty-five dollars, excluſive of coſts, except in caſes where judgment ſhall be given for any penalty incurred under any ſtatute of this ſtate, or the charter or any bye-law of the corporation of the city of New-York.

68 XXXV. *And be it further enacted*, That in all caſes where judgment ſhall be given by virtue of this act, for any ſum not exceeding twenty-five dollars, excluſive of coſts, againſt any inhabitant having a family within this ſtate, and no freeholder therein (except caſes where judgment ſhall be given for any penalty under any ſtatute of this ſtate, or the charter or any bye-law of the corporation of the city of New-York) execution ſhall be againſt the goods and chattels of ſuch perſon only.

69 XXXVI. *And be it further enacted*, That the officer to whom ſuch execution ſhall be delivered after taking ſuch goods and chattels into his cuſtody by virtue of ſuch execution, ſhall immediately give public notice, by an advertiſement ſigned by himſelf and put up at three public places in the ſaid city of New-York, of the time and place, when and where they will be expoſed to ſale, at leaſt five days before the time appointed for ſelling them, and therein deſcribe the goods and chattels ſo taken; and at the time and place ſo appointed for ſale, ſhall expoſe them to ſale at public vendue to the higheſt bidder, and pay the debt or damages and coſts levied, to the clerk of the ſaid court, returning the overplus if any to the owner.

70 XXXVII. *And be it further enacted*, That whenever judgment ſhall be rendered againſt any perſon not an inhabitant, having a family and having no freehold, for any cauſe whatever, or whenever judgment ſhall be rendered againſt any perſon whatever, for any penalty under any ſtatute of this ſtate, or under the charter or any bye-law of the ſaid corporation, or whenever judgment ſhall be rendered againſt any perſon whatever, for any ſum exceeding twenty-five dollars excluſive of coſts, the party obtaining ſuch judgment may, at his election, have an execution either againſt the body or goods of the perſon againſt whom ſuch
71 judgment is rendered; and the conſtable or other proper officer

ſhall, according to the tenor of the ſaid execution, take the body of the perſon againſt whom the ſame ſhall be granted, and bring him, her or them, before the court out of which the ſame iſſued: And if any perſon ſo taken and brought before the ſaid court, or brought before either of the ſaid courts by warrant, and a judgment ſhall thereupon be given againſt him, her or them, ſhall there allege that he, ſhe or they is or are not liable to be impriſoned for the cauſe mentioned in ſuch execution, or on account of ſuch judgment, the court ſhall examine into the truth of the matter, and if they ſhall find that ſuch perſon or perſons is or are not liable to be impriſoned for the ſaid cauſe, they ſhall cauſe ſuch perſon or perſons to be diſcharged from ſuch arreſt; but if the court ſhould be of opinion, that ſuch perſon or perſons is or are by law liable to be impriſoned for the ſaid cauſe, or if no ſuch allegation ſhall be made, and the money mentioned in ſuch execution, or for which the judgment is given, is not there paid, nor ſecurity ſatisfactory to the court given, to pay the ſame at the end of thirty days from the rendition of ſaid judgment, in caſe where the ſum for which ſaid judgment ſhall be given, ſhall not exceed twenty-five dollars exclusive of coſts, or at the end of ſixty days, if the ſum exclusive of coſts ſhall exceed twenty-five dollars, and ſhall not exceed fifty dollars exclusive of coſts, and the ſaid thirty days or ſixty days, as the caſe may be, ſhall not have expired before the ſaid perſon or perſons ſhall be ſo brought in as aforeſaid, then they ſhall cauſe an entry to be made in the minutes of the ſame court, purporting that ſuch perſon or perſons ſhall be committed to the gaol of the city and county of New-York, in execution of the debt, damages and coſts, or damages and coſts mentioned in ſuch execution and judgment, and cauſe a precept or mittimus to be iſſued for conveying ſuch perſon or perſons to the ſaid gaol, which precept ſhall be delivered to one of the conſtables or marſhals of the ſaid city, who ſhall thereupon convey ſuch perſon or perſons to the gaol of the ſaid city and county, and there deliver him, her or them, together with the precept, to the keeper of the ſaid gaol, who ſhall thereupon receive and ſafely keep ſuch perſon or perſons in execution in the ſaid gaol, until he, ſhe or they ſhall be thence delivered by courſe of law: And if any perſon or perſons taken by virtue of ſuch execution or warrant, ſhall be diſcharged from ſuch arreſt by the court as aforeſaid, ſuch taking and diſcharge ſhall not operate a releaſe or diſcharge of the debt or demand for which ſuch perſon or perſons was taken, nor prevent any execution for the ſame againſt the goods and chattels of the perſon or perſons ſo diſcharged.

XXXVIII. *And be it further enacted*, That in all caſes where the amount of any judgment which ſhall be rendered by either of the ſaid courts, ſhall not exceed twenty-five dollars, exclusive of coſts, and the perſon or perſons againſt whom ſuch judgment ſhall be rendered, ſhall give ſuch ſecurity as the court ſhall approve, for the payment of the amount of ſuch judgment and coſts, at the expiration of thirty days from the time of the entry of ſuch judgment, that then no execution ſhall iſſue thereon until the expiration of the ſaid thirty days; or where the

a new ſummons againſt ſuch defendant, and in all caſes where a ſufficient reaſon ſhall appear to the court why the defendant does not appear at the time and place appointed in the ſummons, the court ſhall give the defendant ſuch further time as they ſhall think reaſonable, and at ſuch time ſo given the court ſhall and may proceed as aforeſaid.

34 XVI. *And be it further enacted*, That every ſummons to be iſſued out of the ſaid courts ſhall be in the form following: "The people of the ſtate of New-York, to the conſtables and marſhals of the city of New-York, and to every of them, greeting: We command you to ſummon A. B. if he ſhall be found in the ſaid city, to be and appear before our court of the juſtices of the peace in and for the city of New-York, at on the day of at o'clock in the noon, to anſwer unto C. D. of a plea of (here inſert the nature or cauſe of action, and the ſum demanded) and have you then there this precept. Witneſs our ſaid juſtices at the day of in the year of our Lord

By the court. E. F. Clerk."

35 XVII. *And be it further enacted*, That it ſhall and may be lawful for any conſtable or marſhal of the city of New-York (the ninth ward of the ſaid city excepted) to execute proceſs to be iſſued out of the ſaid courts by virtue of this act, in any part of
36 the city, (except as is before excepted) and that no perſon ſhall be proceeded againſt by ſummons to be iſſued out of either of the ſaid courts, who ſhall not reſide within the limits of the juriſdiction thereof.

37 XVIII. *And be it further enacted*, That if any plaintiff, or his or her attorney, applying for proceſs, ſhall prove upon oath, to the ſatisfaction of the court or the clerk thereof, who is hereby authorized and empowered to adminiſter the ſaid oath, that if ſuch proceſs be by ſummons againſt any ſuch freeholder or inhabitant having a family, the plaintiff will be in danger of loſing his or her debt or demand thereby, or doth really and ſincerely believe that ſuch freeholder or inhabitant will depart the city of New-York, or if the plaintiff, being a non-reſident of the ſaid city, ſhall give ſecurity to pay the debt or damages, and coſts of ſuit, in caſe judgment ſhall be given againſt him or her, or if the action ſhall be for any ſum or penalty on any ſtatute, or on the ſaid charter or bye-law of the ſaid corporation, that then, and in either of ſuch caſes, a warrant may iſſue immediately.

38 XIX. *And be it further enacted*, That the firſt proceſs in all caſes not otherwiſe provided for, may, if the plaintiff ſhall ſo elect, be by warrant, which ſhall be in the following form: "The people (as in caſe of a ſummons) we command you to take A. B. if he ſhall be found in the ſaid city, and bring him forthwith before our court," (as in caſe of a ſummons.)

39 XX. *And be it further enacted*, That when any proceſs ſhall be iſſued by virtue of this act, the conſtable, or other proper officer to whom ſuch proceſs ſhall be directed and delivered, ſhall proceed agreeably to this act, and execute ſuch proceſs in his own
40 proper perſon, unleſs the court ſhall, at the requeſt of the plain-

any action which ſhall be brought as aforeſaid, by any owner or owners, maſter or commander of any ſhip or veſſel in the merchant ſervice, againſt any ſeaman or mariner, for or by reaſon of the non-performance of any agreement or contract made by ſuch ſeaman or mariner with ſuch owner or owners, maſter or commander of any ſuch ſhip or veſſel, for ſervices to be performed by him as a ſeaman or mariner on board ſuch ſhip or veſſel, for any voyage performed wholly or in part, or intended to be performed; and alſo whenever judgment ſhall be entered as aforeſaid, in any action brought in either of the ſaid courts as aforeſaid, for aſſault, battery and falſe impriſonment, done or committed by any maſter or commander of any ſhip or veſſel in the merchant ſervice, upon any officer, ſeaman or mariner, or other perſon, on board of or belonging to ſuch ſhip or veſſel, upon the high ſeas, or in any foreign port or place where ſuch ſhip or veſſel may then be; or in any action of aſſault and battery and falſe impriſonment done or committed by any officer of any ſhip or veſſel in the merchant ſervice, upon any ſeaman or mariner, or other perſon on board of or belonging to ſuch ſhip or veſſel; or by any ſeaman or mariner, or other perſon, on board of or belonging to ſuch ſhip or veſſel, upon the maſter or commander, or other officer thereof; or by one ſeaman or mariner, or other perſon, on board of or belonging to ſuch ſhip or veſſel, upon another ſeaman or mariner, or other perſon, on board of or belonging to ſuch ſhip or veſſel, upon the high ſeas, or in any foreign port or place where ſuch ſhip or veſſel may then be; and that in any of the ſaid caſes mentioned in this proviſo, the perſon againſt whom ſuch execution ſhall iſſue ſhall not be entitled to any delay by giving ſecurity as herein before mentioned, any thing contained in this act to the contrary thereof notwithſtanding.

XL. *And be it further enacted*, That the whole amount of the 73
money to be levied or paid upon any execution to be iſſued by virtue of this act, ſhall be mentioned therein, including the coſts for executing the ſame, with the other coſts of ſuit, and the clerk ſhall endorſe on every execution the amount of the debt and coſts ſeparately and diſtinctly, which are to be levied or paid thereon, and ſign his name to the ſaid endorſement, and no greater ſum ſhall be levied or taken in any caſe or by virtue of ſuch execution.

XLI. *And be it further enacted*, That in every record of con- 74
viction before either of the ſaid courts of any offence againſt the act, entitled "An act for ſuppreſſing immorality," or the act, entitled "An act to lay a duty on ſtrong liquors and for regulating inns and taverns," the names of the juſtices before whom the conviction ſhall be had ſhall be inſerted, and inſtead of the words "mayor or recorder, or one of the aldermen," the words "juſtices of the peace" ſhall be inſerted, and inſtead of the words "given under my hand and ſeal" the words "witneſs the ſaid juſtices" ſhall be inſerted.

XLII. *And be it further enacted*, That in caſe any conſtable, or 75
other proper officer, to whom any execution againſt the goods and chattels of any perſon or perſons, ſhall be delivered, ſhall not within thirty days after receiving ſuch execution, levy the

ſame on the goods and chattels of the perſon againſt whom ſuch execution ſhall be granted, and in ten days after the receipt of the debt and coſts ſo levied, pay the ſame into the hands of the clerk of the court from which ſuch execution iſſued, or to the perſon in whoſe favor the execution was granted, or where execution ſhall be againſt the body, then if the conſtable or other officer ſhall not take the body of the perſon againſt whom ſuch execution was granted, if to be found, then and in every ſuch caſe the ſaid conſtable or other officer ſhall be liable and held to pay the amount of the ſaid execution, to be recovered by an action of debt, with coſts, by the perſon in whoſe favor ſuch execution was granted, in which caſe execution ſhall iſſue forthwith:

76 And further, in every ſuch caſe, or in caſe the ſaid conſtable, or other officer, ſhall be proſecuted for any money collected by him in his official capacity, and retained by him, and judgment be thereupon entered againſt him, or ſhall be guilty of any diſorderly or improper conduct, in or towards the ſaid courts, or either of them, then and in ſuch caſe it ſhall be lawful for the ſaid courts in their diſcretion to prohibit the ſaid conſtables, or other officer, to ſerve or execute any proceſs or execution thereafter to be iſſued out of the ſaid courts, or either of them, in any civil caſe whatſoever.

77 XLIII. *And be it further enacted*, That no judgment, order or proceeding whatſoever to be had or made by virtue of this act ſhall be removed by habeas corpus or writ of error, or falſe judg-

78 ment, nor ſhall any certiorari be allowed to remove any judgment, order or proceeding whatſoever to be had by virtue of this act, unleſs the party applying for ſuch certiorari, ſhall within thirty days after ſuch judgment given, make ſatisfactory affidavit that there is reaſonable cauſe for granting ſuch certiorari, to remove ſuch judgment, order or proceeding, either for error therein, or for ſome unfair practice of the juſtices who ſhall have tried the cauſe, which ſhall be particularly ſpecified in ſuch affidavit, and which affidavit may be made before one of the juſtices of the ſupreme court, or the mayor, or recorder of the city of New-York, or before one of the commiſſioners for taking affidavits to be read in the ſupreme court, and ſuch affidavit ſhall be left with the judge, who may allow ſuch certiorari, in order that the adverſe party may obtain a copy thereof; and if any certiorari or other writ, ſhall be granted or iſſued otherwiſe than is above mentioned, the ſame ſhall be void and of no effect: *And further*, That no execution upon any judgment to be given by virtue of this act, ſhall be prevented or ſtayed by any certiorari or other writ, in caſe the party in whoſe favor ſuch judgment ſhall be given, ſhall give ſuch ſecurity as may be ſatisfactory to the court, to reſtore the debt or damages for which ſuch judgment ſhall be obtained with the intereſt and coſts, in caſe ſuch judgment ſhould be reverſed, and if any judgment to be given by virtue of this act, ſhall be removed into the ſupreme court by certiorari, and be their confirmed, then the party proſecuting ſuch certiorari, ſhall pay to the adverſe party all coſts of defending ſuch ſuit in the ſupreme court to be taxed, and the

party entitled to ſuch coſts ſhall and may have execution for the ſame out of the ſaid ſupreme court, againſt the body or goods and chattels of the party who ought to pay the ſame; but if ſuch judgment ſhall be reverſed, then the party procuring ſuch certiorari, ſhall recover his or her coſts in like manner: *Provided always*, That in all judgments removed by certiorari as aforeſaid, the ſupreme court ſhall proceed and give judgment, according as the very right of the caſe ſhall appear, without regarding any imperfection, omiſſion or defect in the proceeding in the court below, in mere matters of form, and that ſo much of the act, entitled "An act concerning amendments and jeofails," as may be applicable, ſhall be deemed at all times to apply as fully to judgments and proceedings under this act, as to judgments and proceedings in any other court of record in this ſtate.

XLIV. *And be it further enacted*, That in all actions brought by virtue of this act, wherein the ſum or thing demanded, ſhall not exceed twenty-five dollars, the following and no other or greater fees ſhall be allowed, taxed or taken by virtue of this act, than the following, that is to ſay:

Fees to said Justices to be divided among them in manner hereafter mentioned. 79

For entering every action, ſix cents.
For every ſummons or warrant, twenty-five cents.
For entering the return of every ſummons, warrant or execution, twelve and an half cents.
For entering an appearance or default, ſix cents.
For entering the ſubſtance of the plaintiff's charge or demand upon the return of the proceſs againſt the defendant, when ſerved, twenty-five cents.
For entering the ſubſtance of the defendant's plea, twelve and an half cents; and if ſuch charge, demand or plea is exhibited in writing, the ſame ſhall be filed in the office of the clerk.
For taking ſecurity, twelve and an half cents.
For every venire to ſummon a jury, twenty and an half cents.
For a ſubpœna, for each witneſs, ſix cents.
For adminiſtering an oath in court, twelve and an half cents.
For every judgment or conviction, twelve and an half cents.
For entering the ſame in minutes, twelve and an half cents.
For every commitment, twelve and an half cents.
For entering ſame in minutes, ſix cents.
For every execution, twenty and an half cents.
For taking the acknowledgment of ſatisfaction of a judgment, ſix cents.
For entering every adjournment, twelve and an half cents.

And the clerks of the ſaid courts ſhall receive the ſaid fees, and 80
account to the ſaid juſtices for the ſame at leaſt once in every month, and oftener if required by the ſaid juſtices, and ſhall divide and pay the amount thereof to and among ſuch of the ſaid juſtices as ſhall have attended the courts during the time in which the ſaid fees ſhall have been received, in proportion to the number of days each of them ſhall have attended the courts reſpectively during that period.

81 *Fees to the Conſtables and Marſhals.*

For ſerving every ſummons, twelve and an half cents.

For ſerving every warrant, twenty-five cents.

For taking the defendant into cuſtody on a mittimus or commitment, twelve and an half cents.

For conveying a perſon to gaol, twelve and an half cents.

For ſerving an execution for two and an half dollars, or under, twenty-five cents, and at the rate of twelve and an half cents for every two and an half dollars more.

For travelling, if the perſon arreſted is taken above one mile from the place where the court is holden, for every mile going only, ten cents.

For ſummoning a jury of twelve men, forty and an half cents.

For going with the plaintiff or defendant to procure ſecurity, in caſes where it is ordered by the court, twenty-five cents.

For notifying defendant to give ſecurity, in caſes where it is ordered by the court, twenty-five cents.

82 *Fees of Jurors.*

For every cauſe tried, each twelve and an half cents.

83 *Fees to Witneſſes and Charges for ſummoning them.*

For each witneſs attending and ſworn, twelve and an half cents.

For ſerving a ſubpœna on each witneſs, twelve and an half cents.

84 *Fees to Gaoler.*

For receiving a perſon committed on a warrant, mittimus or commitment, twenty-five cents.

XLV. *And be it further enacted*, That in all actions where the ſum or thing demanded ſhall exceed twenty-five dollars, the following and no other or greater fees, ſhall be allowed, taxed or taken, by virtue of this act, that is to ſay:

85 *Fees to the Juſtices.*

For entering each action twelve and an half cents.

For every ſummons or warrant, twenty-five cents.

For entering the return on every ſummons, warrant or execution, and filing the ſame, twelve and an half cents.

For entering the ſubſtance of the plaintiff's charge or demand, upon the return of the proceſs againſt the defendant, when ſerved, ſeventy-five cents.

For entering the appearance or default of plaintiff or defendant, ſix cents.

For entering the ſubſtance of the defendant's plea, plaintiff's replication, or any other pleading, each twenty-five cents; and if ſuch charge, demand, plea, replication, or other pleading, is exhibited in writing, the ſame ſhall be filed in the office of the clerk.

For taking ſecurity, twenty-five cents.

For every venire, thirty-ſeven and an half cents.

For a ſubpœna for each witneſs, twelve and an half cents.

For adminiſtering every oath in court, twelve and an half cents.

For every judgment, retraxit, or diſcontinuance, twenty-five cents.

For entering the ſame, twenty-five cents.

For every execution, thirty-ſeven and an half cents.

For every commitment, twenty-five cents.
For entering the ſame, twelve and an half cents.
For taking the acknowledgment of ſatisfaction of judgment, twelve and an half cents.
For entering the ſame, twelve and an half cents.
For an adjournment, twelve and an half cents.
For making out bill of coſts, twenty-five cents.
For trial fee, in each cauſe tried, two dollars and fifty cents.
For drawing a jury and making a panel on jury proceſs, twenty-five cents.
For receiving and entering verdict, twelve and an half cents.

The following Fees shall be allowed the said Justices in all cases. 86

For copies of proceedings in the ſaid court when required, for every ſeventy-two words, nine cents.
For every ſearch, ſix cents.
For filing each paper or pleading, when in writing, ſix cents:
And the clerks of the ſaid courts ſhall receive the ſaid fees and 87
account to the ſaid juſtices for the ſame, at the time and in the manner herein before mentioned.

Fees to be allowed to the Constables and Marshals. 88

For ſerving every ſummons, eighteen and an half cents.
For ſerving every warrant, thirty-ſeven and an half cents.
For ſummoning a jury of twenty men, ſeventy-five cents.
For taking the defendant into cuſtody on a mittimus or commitment; for conveying a perſon to gaol; for ſerving an execution; for travelling, if the perſon arreſted is taken above one mile from the place where the ſaid court is holden; for going with the plaintiff or defendant to procure ſecurity in caſes where it is ordered by the court; for notifying defendant to give ſecurity on oath of danger, when the defendant is not in court, the ſame as is allowed in caſes wherein the ſum or thing demanded does not exceed twenty-five dollars.
Fees of the jurors, witneſſes and gaoler, the ſame as in actions 89
where the ſum or thing demanded does not exceed twenty-five dollars.

XLVI. *And be it further enacted*, That the mayor, aldermen and 90
commonalty of the city of New-York, in common council convened, ſhall order to be paid to the ſaid juſtices, out of the money ariſing from the exciſe or duty on ſtrong liquors, and the licences to be granted to retailers thereof, in the ſaid city, a ſum ſufficient to enable the ſaid juſtices to procure or to erect a ſuitable and convenient place or building wherein to hold the court herein before directed to be held, not exceeding one quarter of a mile from the ſaid watch-houſe.

XLVII. *And be it further enacted*, That if any plaintiff in any 91
action which ſhall or may be brought by virtue of this act, ſhall demand above twenty-five dollars and not recover more than that ſum, he ſhall recover no more coſts than are allowed in ſuits or actions, for ſums not exceeding twenty-five dollars, and moreover ſhall be held and bound to pay to the defendant the extra coſts which may have accrued, in conſequence of his having demanded a greater ſum than twenty-five dollars, for which coſts

the ſaid courts are hereby authorized to iſſue execution forthwith, or to deduct and retain the ſame from the debt or damages recovered and collected.

92 XLVIII. *And be it further enacted*, That the regiſters and books of entries for the ſaid courts hereby inſtituted, or copies thereof proved, ſhall be deemed legal evidence of the acts and proceedings of the ſaid courts reſpectively; and that the ſaid courts ſhall be deemed, taken and held to be courts of record.

93 XLIX. *And be it further enacted*, That the mayor, recorder and aldermen of the city of New-York, for the time being, or any three or more of them, of whom the mayor or recorder to be one, ſhall hold the courts of ſeſſions of the peace in and for the city and county of New-York, and each of them the ſaid mayor, recorder and aldermen, ſhall hereafter have the power of juſtices of the peace, in and for the city and county of New-York, as fully and in the ſame manner as if this act had not been made.

94 L. *And be it further enacted*, That if any perſon or perſons ſhall proſecute any action in the ſupreme court of this ſtate, or in the mayor's court in the city of New-York, and it ſhall appear to the court wherein ſuch action ſhall bé proſecuted at the trial thereof, that the ſame is within the proviſion of this act, the plaintiff or plaintiffs ſhall not be entitled to recover coſts, but ſhall pay coſts of ſuit to the defendant or defendants in ſuch caſe to be taxed: *Provided nevertheless*, That if any ſuit or action which is within the proviſion of this act, ſhall be proſecuted in the ſupreme or mayor's court for any ſum above fifty dollars, if the plaintiff ſhall recover more than one hundred dollars, he ſhall not be barred of his right to recover coſts.

95 LI. *And be it further enacted*, That it ſhall and may be lawful for the ſaid juſtices, or a major part of them, in caſe of any public calamity or imminent danger thereof, to adjourn the ſeſſions of the ſaid courts reſpectively, from the place herein before directed to be holden, to ſome other fit and convenient place or places within the city and county of New-York, and there to hold the ſaid courts during ſuch time as to the ſaid juſtices, or a major part of them, may appear neceſſary; and that all the proceſs of the ſaid courts, in caſe of ſuch adjournment, ſhall and may be made returnable, and all perſons ſhall be bound to appear at ſuch place appointed by the ſaid juſtices, or a major part of them, and all proceedings of ſuch courts ſhall be held and deemed legal as though ſuch adjournment had not been made.

96 LII. *And be it further enacted*, That it ſhall and may be lawful for the perſon adminiſtering the government of this ſtate for the time being, by and with the advice and conſent of the council of appointment, from time to time, to appoint and commiſſion one or more juſtices of the peace, in and for the ninth ward of the ſaid city of New-York, with the like powers as are given to juſtices of the peace in the ſeveral counties of this ſtate, in and by the act, entitled "An act for the more ſpeedy recovery of debts to the value of twenty-five dollars:" *Provided nevertheless*, That no proceſs to be iſſued by the ſaid juſtice or juſtices, except in

criminal cases, shall be executed at any place without the limits of the said ninth ward. but that the said justice or justices in all cases where they shall be authorized by law to imprison, may commit such person so subject to imprisonment, to the gaol of the city and county of New-York.

LIII. *And be it further enacted*, That no other justices of the 97
peace than those now appointed, or such others as shall be appointed in their stead, shall until after the thirtieth day of April next, have power to hold the court directed to be holden at the city-hall of the city of New-York, in and by the act, entitled "An act concerning the recovery of debts and demands to the value of ten pounds in the city of New-York."

LIV. *And be it further enacted*, That from and after the thirtieth day of April next, the act, entitled "An act for the more speedy recovery of debts to the value of ten pounds," so far as the same relates or extends to the city of New-York, and the act, entitled "An act concerning the recovery of debts and demands to the value of ten pounds in the city of New-York," and the act, entitled "An act concerning certain debts and demands in the city of New-York, and to amend an act, entitled "An act concerning the recovery of debts and demands to the value of ten pounds in the city of New-York," be and the same are hereby repealed.

LV. *And be it further enacted*, That this act shall be deemed and adjudged to be a public act.

CHAP. LV.

An ACT *to continue the Act, entitled "An Act relative to the Circuit Courts and Sittings in the City and County of New-York, and for other Purposes.*

Passed April 4th, 1804.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the act, entitled "An act relative to the circuit courts and sittings in the city and county of New-York," shall continue and be in force until the first day of January, in the year of our Lord one thousand eight hundred and eight.

II. *And be it further enacted*, That the act, entitled "An act to amend the act, entitled "An act for regulating trials of issues and for returning able and sufficient jurors," passed 16th March, 1803, shall not extend to the trial of issues in any court to be held in the city and county of New-York.

CHAP. LVIII.

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2. -------- Now in office, to do the like in three months.
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10. -------- Monies placed to their credit in the banks, in case of their death or removal, to be transferred to the credit of their successors.
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12. Serjeants, Chancellor authorized to appoint.
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An ACT *to regulate the Duties and Fees of certain Officers in Chancery, and for other Purposes.*

Paſſed April 4th, 1804.

I. BE *it enacted by the People of the State of New-York, repre-*
1 *ſented in Senate and Assembly*, That the regiſter and aſ-
ſiſtant regiſter of the court of chancery hereafter to be appointed
ſhall before they reſpectively enter upon the duties of their of-
fices, together with two ſufficient ſureties, to be approved by the
chancellor, execute a bond to the people of this ſtate for the ſum
of ten thouſand dollars, conditioned for the faithful performance
of the duties of their reſpective offices, which bonds ſhall be filed
2 in ſuch office as the chancellor ſhall order: That the preſent
regiſter and aſſiſtant regiſter ſhall reſpectively give a like bond
3 within three months after the paſſing of this act, which bonds
ſhall in caſe of a breach of the conditions thereunder written, be
ſo proſecuted, and the product thereof ſo applied as the chancel-
lor ſhall in his diſcretion deem proper, for the indemnity of the
perſons injured by any ſuch breach.

4 II. *And be it further enacted*, That an account ſhall be kept in
the name of the regiſter or aſſiſtant regiſter reſident in the city
of New-York, with the bank of New-York, and in the name of
the regiſter or aſſiſtant regiſter reſident in the city of Albany,
5 with the bank of Albany; and that the accounts of all monies
paid into either of the ſaid banks for or by the ſuitors in the ſaid
court, ſhall be kept in ſuch manner as the chancellor ſhall from
6 time to time direct: That all ſtock and ſecurities for money
placed out at intereſt by any of the maſters of the ſaid court by
order of the ſaid court, ſhall be aſſigned to the ſaid regiſter or aſ-
ſiſtant regiſter in truſt for the benefit of the perſons for whoſe
7 uſe the ſame was intended to enure: That all mortgages, ſtock,
and other ſecurities to be hereafter taken by the order of the
ſaid court for the benefit of the ſuitors therein, ſhall, if appoint-

criminal cafes, fhall be executed at any place without the limits of the faid ninth ward, but that the faid juftice or juftices in all cafes where they fhall be authorized by law to imprifon, may commit fuch perfon fo fubject to imprifonment, to the gaol of the city and county of New-York.

LIII. *And be it further enacted*, That no other juftices of the 97
peace than thofe now appointed, or fuch others as fhall be appointed in their ftead, fhall until after the thirtieth day of April next, have power to hold the court directed to be holden at the city-hall of the city of New-York, in and by the act, entitled "An act concerning the recovery of debts and demands to the value of ten pounds in the city of New-York."

LIV. *And be it further enacted*, That from and after the thirtieth day of April next, the act, entitled "An act for the more fpeedy recovery of debts to the value of ten pounds," fo far as the fame relates or extends to the city of New-York, and the act, entitled "An act concerning the recovery of debts and demands to the value of ten pounds in the city of New-York," and the act, entitled "An act concerning certain debts and demands in the city of New-York, and to amend an act, entitled "An act concerning the recovery of debts and demands to the value of ten pounds in the city of New-York," be and the fame are hereby repealed.

LV. *And be it further enacted*, That this act fhall be deemed and adjudged to be a public act.

CHAP. LV.

An ACT *to continue the Act, entitled "An Act relative to the Circuit Courts and Sittings in the City and County of New-York, and for other Purposes.*

Paffed April 4th, 1804.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the act, entitled "An act relative to the circuit courts and fittings in the city and county of New-York," fhall continue and be in force until the firft day of January, in the year of our Lord one thoufand eight hundred and eight.

II. *And be it further enacted*, That the act, entitled "An act to amend the act, entitled "An act for regulating trials of iffues and for returning able and fufficient jurors," paffed 16th March, 1803, fhall not extend to the trial of iffues in any court to be held in the city and county of New-York.

CHAP. LVIII.

CONTENTS.

5. Accounts of suitors with the banks, how kept.
11. Chancellor may invest or loan monies brought into court, &c.
12. -------- May appoint Serjeants for his courts.
16. -------- May appoint persons to take affidavits.

For putting out money by order of the court, ſuch allowance as to the chancellor ſhall ſeem reaſonable.

15 *The Maſter's Fees.*

For hearing every argument on exception or other matter, three dollars.

Examining into circumſtances of ſureties, one dollar.

Settling the form of a deed in caſes where he ſhall not be required to ſell, one dollar and fifty cents.

For ſettling and drawing the form of the aſſignment of bonds, mortgages or other inſtruments, ordered to be aſſigned by the court, but no more than one ſuch fee to be allowed in a cauſe, two dollars and twenty-five cents.

Examining an infant when produced to him for his inſpection, preparatory to the appointment of one or more guardians, and examining as to the competency of ſuch guardians; but no more than one fee to be exacted in any caſe in which a joint petition by or for ſeveral infants is preſented to conſtitute them wards to the ſame guardians; one dollar and twenty-five cents.

Taking proofs in caſes of bills of divorce, and giving an opinion thereupon, five dollars.

Peruſing a bill and giving his opinion thereon in caſes where writs of injunction or *ne exeat* are applied for whether the writ applied for is granted or not, one dollar and twenty-five cents.

For ſuperintending the payment of monies when ordered to be paid in his preſence or under his direction, two dollars.

16 V. *And be it further enacted*, That the chancellor ſhall, by one or more commiſſions, under the ſeal of the court of chancery, from time to time, as need ſhall require, empower ſuch and ſo many perſons as he ſhall deem fit, in every county, to take affidavits of any perſon deſirous to make the ſame concerning any cauſe or matter depending, or any proceedings to be had in the ſaid court, and every affidavit ſo taken ſhall be of like force as affidavits taken before one of the maſters of the ſaid court; and that every perſon who ſhall commit perjury in any ſuch affidavit ſhall incur the ſame penalties as if ſuch affidavit had been taken before a maſter.

17 VI. *And be it further enacted*, That the firſt proviſo contained in the firſt ſection of the act, entitled "An act concerning the court of chancery," paſſed the twenty-third day of February, one thouſand eight hundred and two, ſhall be and is hereby repealed.

CHAP. LXXIV.

Contents.

1. Montgomery County, February term of its courts altered.
2. Saratoga, its September term altered.
3. Washington, its September term altered.
4. Terms altered, may be continued and adjourned as heretofore.
5. Writs, &c. made returnable to the terms as altered.

An ACT *for altering the Times of holding the Courts of Common Pleas and General Sessions of the Peace, in the Counties therein mentioned.*

Passed April 7th, 1804.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That hereafter the term 1
of the courts of common pleas and general sessions of the peace in and for the county of Montgomery, shall be held on the third Tuesday in January in every year, instead of the second Tuesday in February as heretofore, and shall be called the January term; and that the September term of the courts of common pleas and 2
general sessions of the peace in and for the county of Saratoga, shall be held on the first Tuesday in November in every year, instead of the last Tuesday in September as heretofore; that 3
hereafter the September term of the courts of common pleas and general sessions of the peace in and for the county of Washington, shall be held on the last Tuesday of August in every year, instead of the second Tuesday of September as heretofore: And 4
that each of the said terms so made and altered by this act, in the said several counties respectively, may be held, continued and adjourned, as the said terms of the said courts were respectively held, continued and adjourned previous to the passing of this act.

II. *And be it further enacted*, That all writs, process and re- 5
cognizances, made returnable at the respective terms of the said courts so as heretofore held by law, shall be and hereby are made returnable at the terms of the said courts respectively, as altered by this act, and that all adjournments, appearances and continuances, and notices of any proceedings in said courts respectively shall be held and taken to be made to and at the said terms of the said courts respectively so as aforesaid altered by this act.

Costs.

CHAP. LIX.

An ACT *to amend the eighth Section of the Act, entitled "An Act to reduce certain Laws concerning Costs into one Statute."*

Passed April 5th, 1804.

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That in all actions of trespass to be prosecuted in any court of common pleas within this state, wherein it shall appear to the judges and assistant justices who shall preside at the trial thereof, that the trespass upon which any defendant shall be found guilty was wilful and malicious, it shall be the duty of the court to direct the clerk to make an entry to such effect in his minutes; and that in every such case the plaintiff shall, by such entry, be entitled to and recover his full costs of suit.

Reporter.

CHAP. LXVIII.

An ACT *to authorize the Supreme Court to appoint a Reporter.*

Paſſed April 7th, 1804.

I. BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That it ſhall and may be lawful for the juſtices of the ſupreme court of judicature of this ſtate, from time to time, to appoint by licence, under the hand and ſeal of the chief juſtice of the ſaid court, during the pleaſure of the ſaid court, a perſon as a reporter of the ſaid court, whoſe duty it ſhall be to report the caſes decided by them and the court for the trial of impeachments and the correction of errors, or ſuch thereof as may be deemed important to be reported, and to cauſe the ſame to be printed and publiſhed as ſoon as conveniently may be after the expiration of each term; and further, that the ſaid reporter ſhall receive a ſalary of eight hundred and fifty dollars per annum, to be paid quarter yearly by the treaſurer, on the warrant to be iſſued by the comptroller: *Provided nevertheless*,

II. *And be it further enacted*, That ſuch reporter ſhall, at his own expenſe, deliver to the ſecretary of this ſtate a number of copies of ſuch reports, when printed, ſufficient to furniſh one copy for the uſe of each of the courts of common pleas in the ſeveral counties of this ſtate.

III. *And be it further enacted*, That this act ſhall continue in force for the term of five years.

Executions.

CHAP. CVIII.

An ACT *to amend an Act, entitled "An Act concerning Judgments and Executions.*

Paſſed April 10th, 1804.

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That from and after the firſt day of May next, no ſheriff, under ſheriff or other proper officer having any execution which ſhall have iſſued from and out of the ſupreme court, the court of chancery, or either of the courts of common pleas, or mayor's courts within this ſtate, againſt the goods and chattels of any perſon, ſhall expoſe to ſale ſuch goods or chattels, except ſuch officer ſhall previouſly give notice of ſuch ſale by advertiſement for at leaſt ſix days, put up in three of the moſt public places of the town in which ſuch ſale ſhall be, notifying the time and place when and where ſuch goods and chattels are to be ſold, any law, uſage or cuſtom to the contrary notwithſtanding.

Clerk's Office.

CHAP. XV.

An ACT *for the removal of the Clerk's Office of the County of Tioga, to a central Situation in said County.*

Passed March 20th, 1804.

WHEREAS sundry inhabitants of the county of Tioga have, by their petition, represented to this legislature, that many inconveniences arise from the present situation of the clerk's office of said county: Therefore,

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That from and after the first day of July next, the office of clerk for the county of Tioga shall be kept in a central situation in said county, not more than three miles from the village of Owego, in the town of Tioga, on the north side of the river Susquehannah.

Court Houses.

CHAP. XII.

An ACT *for completing the Court House and Gaol in the County of Clinton.*

Passed February 28th, 1804.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the treasurer of the county of Clinton is hereby authorized and required to pay to the supervisors of said county, or their order, from time to time, any sum or sums of money, not exceeding seven hundred and fifty dollars, out of any money in his hands not otherwise appropriated, for the purpose of completing the court house and gaol in said county.

II. *And be it further enacted*, That the court house aforesaid, is and shall be the court house in and for the said county of Clinton; and as soon as the sheriff of the said county of Clinton shall deem the gaol, directed to be built in that county, sufficiently finished for the safe keeping of prisoners, the same shall thereafter be the gaol of the said county of Clinton, and the sheriff shall remove his prisoners to the said gaol, and such removal shall in no manner be construed an escape.

CHAP. XVII.

CONTENTS.

4. Commissioners to account with the Supervisors.
5. Court of Common Pleas, certain proceedings of, declared valid.
1. Supervisors directed to raise a sum of money.---2. When to be paid.
3. Treasurer of Onondaga county, his duty and fees.

An ACT *for raising a further Sum of Money for completing the Court House and Gaol in the County of Onondaga, and for other Purposes.*

Passed March 20th, 1804.

WHEREAS the supervisors of the county of Onondaga have, by their petition, requested that a further sum of money may be directed to be raised for completing the court house and gaol thereof: Therefore,

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the supervisors of the county
1 of Onondaga be and they are hereby authorized and required, to direct to be levied and raised, on the freeholders and inhabitants of said county, the sum of two thousand dollars, with an additional sum of five cents on the dollar for collecting the same, which sum shall be raised, levied and collected in like manner as the contingent charges of said county are by law levied and collected.

II. *And be it further enacted*, That the said sum of two thou-
2 sand dollars shall be collected and paid into the treasury of said county on or before the first day of February next; and the trea-
3 surer of said county is hereby required and directed to pay the said sum of two thousand dollars to the order of the commissioners appointed to superintend the building of said court house and gaol, retaining in his hands the sum of one cent on the dollar for receiving and paying out the same.

III. *And be it further enacted*, That the said commissioners shall
4 account with the supervisors of the said county for the money so by them to be received and expended for the purposes aforesaid.

IV. *And be it further enacted*, That the proceedings of the
5 court of common pleas and general sessions of the peace of January term last, held in and for the county of Onondaga, by adjournment at the house of John Adams in the town of Onondaga, be, and the said proceedings are hereby declared to be as valid to all intents and purposes as though said courts had been held in the court house, any law to the contrary notwithstanding.

CHAP. XXIV.

Contents.

1. Act hereby amended, two sections thereof repealed.
3. Commissioners, to ascertain and fix the spot for building c. house...
4. And to purchase land for building it on, &c.
9. Constables, not obliged to attend courts out of their jury districts.
6. County Clerk, to procure jury boxes, &c.
2. Court House, where to be erected.
8. Grand Jurors, to attend courts only in their own jury districts.
7. Jurors for the trial of issues, to attend only in their own districts.
5. Jury Districts, county divided into two.

AN ACT *to amend the Act, entitled "An Act for building a Court House and altering the Terms of the Courts of Common Pleas and General Sessions of the Peace in the County of Washington."*

Passed March 20th, 1804.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the second and fourth 1
sections of the act, entitled "An act for building a court house and altering the terms of the courts of common pleas and general sessions of the peace in the county of Washington," be and the same are hereby repealed.

II. *And be it further enacted*, That the court house directed to 2
be built in and by the above recited act, shall be erected and built at Sandyhill in the town of Kingsbury, in the said county, within half a mile from the dwelling house of Daniel Cook.

III. *And be it further enacted*, That the commissioners appointed 3
in and by the third section of the above recited act, or the major part of them, shall on or before the first day of April next, determine and fix upon the most suitable spot for erecting and building the said court house at the place above mentioned; and 4
they are hereby authorized to purchase so much land as shall be necessary for the said building, not exceeding one half acre, and to procure a good and sufficient conveyance thereof in the name of the supervisors of the said county, and their successors in office for ever, in trust for the sole use and benefit of the inhabitants of the said county, which conveyance shall after being proven and recorded in the office of the clerk of the said county, be deposited in the said clerk's office for safe keeping; and the said commissioners are hereby authorized to pay for the said land, out of the monies directed to be raised by virtue of the above recited act.

IV. *And be it further enacted*, That from and after the passing 5
of this act, the county of Washington shall be divided into two jury districts in manner following, to wit: The towns of Cambridge, Easton, Greenwich, Argyle, Salem, Hebron and Granville, shall compose the first district, and the remaining part of said county shall compose the second district.

V. *And be it further enacted*, That the clerk of the said county 6
shall immediately provide four jury boxes for said county and shall mark on two of said boxes the name of one of the said districts, and on the remaining boxes, the name of the other of the said districts; and it shall be the duty of the clerk to put the slips of paper containing the names of persons residing in each of the said districts, who are or shall be returned to him, in pursuance of the act, entitled "An act for regulating trials of issues, and for returning able and sufficient jurors, into one of the boxes belonging to the district in which such persons shall severally reside.

VI. *And be it further enacted*, That jurors for the trial of is- 7
sues in the circuit court, court of oyer and terminer and gaol delivery, and court of common pleas and general sessions of the peace, to be held in and for the said county of Washington, at

any time after the first day of April next, shall be taken from one of the jury districts in which either of the said courts is then next to be held, in the manner directed in and by the act herein recited, and as if each of the said districts were separate and distinct counties, any thing in the said act contained to the contrary notwithstanding.

8 VIII. *And be it further enacted*, That the grand jurors shall be summoned and taken from the district in which the courts of oyer and terminer and gaol delivery, and courts of general sessions of the peace, shall from time to time be held.

9 IX. *And be it further enacted*, That the constables in and for the said county, shall not be obliged to attend any of the courts to be held in and for the county of Washington, after the said first day of April next, out of the district in which they may respectively reside.

Gaol.

CHAP. XXXIII.

An ACT *for raising a further Sum of Money for completing the Gaol in the County of Greene.*

Passed March 27th, 1804.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the supervisors of the county of Greene be, and they are hereby empowered and directed to raise and levy on the freeholders and inhabitants of the said county, a sum not exceeding one thousand dollars, with the additional sum of five cents on each dollar for collecting the same, and one cent on each dollar for treasurer's fees, which said sum shall be raised, levied and collected in the same manner as the other necessary and contingent charges of the said county are raised, levied and collected.

II. *And be it further enacted*, That the treasurer of the said county shall pay over the money so to be collected as the same shall come into his hands, to the said commissioners, or to some one of them, and the commissioner or commissioners who shall superintend the finishing of said gaol, shall account with the board of supervisors for the expenditure of the said sum of money, when thereunto required.

Amendment.

CHAP. IV.

An ACT *ratifying a certain Article proposed by Congress as an Amendment, to the Constitution of the United States of America.*

Passed February 11th, 1804.

WHEREAS by the fifth article of the constitution of the United States of America, it is provided, that the con-

greſs, whenever two thirds of both houſes ſhall deem it neceſſary, ſhall propoſe amendments to the ſaid conſtitution, which ſhall be valid to all intents and purpoſes as part of the ſaid conſtitution when ratified by the legiſlatures of three fourths of the ſeveral ſtates, or by conventions in three fourths thereof, as the one or the other mode may be propoſed by congreſs.

And whereas, in the firſt ſeſſion of the eighth congreſs of the United States of America, begun and held at the city of Washington, in the territory of Columbia, on Monday the ſeventeenth day of October, one thouſand eight hundred and three, it was reſolved by the ſenate and houſe of repreſentatives of the United States of America, in congreſs aſſembled, two thirds of both houſes concurring, that in lieu of the third paragraph of the firſt ſection of the ſecond article of the conſtitution of the United States, the following be propoſed as an amendment to the conſtitution of the United States, which, when ratified by three fourths of the legiſlatures of the ſeveral ſtates, ſhall be valid to all intents and purpoſes, as part of the ſaid conſtitution, to wit: The electors ſhall meet in their reſpective ſtates, and vote by ballot for preſident and vice-preſident, one of whom at leaſt ſhall not be an inhabitant of the ſame ſtate with themſelves: they ſhall name in their ballots the perſon voted for as preſident, and in diſtinct ballots the perſon voted for as vice-preſident; and they ſhall make diſtinct liſts of all perſons voted for as preſident and all perſons voted for as vice-preſident, and of the number of votes for each; which liſts they ſhall ſign and certify, and tranſmit, ſealed, to the ſeat of the government of the United States, directed to the preſident of the ſenate. The preſident of the ſenate ſhall in the preſence of the ſenate and houſe of repreſentatives, open all the certificates, and the votes ſhall then be counted: the perſon having the greateſt number of votes for preſident ſhall be the preſident, if ſuch number be a majority of the whole number of electors appointed; and if no perſon have ſuch majority, then from the perſons having the greateſt number not exceeding three, on the liſt of thoſe voted for as preſident, the houſe of repreſentatives ſhall chooſe immediately, by ballot the preſident; but in chooſing the preſident, the votes ſhall be taken by ſtates, the repreſentation from each ſtate having one vote: a quorum for this purpoſe ſhall conſiſt of a member or members from two thirds of the ſtates, and a majority of all the ſtates ſhall be neceſſary to a choice; and if the houſe of repreſentatives ſhall not chooſe a preſident whenever the right of choice ſhall devolve upon them, before the fourth day of March next following, then the vice-preſident ſhall act as preſident, as in the caſe of the death or other conſtitutional diſability of the preſident. The perſon having the greateſt number of votes as vice-preſident ſhall be vice-preſident, if ſuch number be a majority of the whole number of the electors appointed; and if no perſon have a majority, then from the two higheſt numbers on the liſt, the ſenate ſhall chooſe the vice-preſident: a quorum for the purpoſe ſhall conſiſt of two thirds of the whole number of ſenators, and a majority of the whole number ſhall be neceſſary

to a choice; but no person constitutionally ineligible to the office of president shall be elligible to that of vice-president of the United States. And whereas the legislature of this state have considered the said article, and do agree to the same: Therefore,

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the said article shall be, and the same is hereby ratified by the legislature of this state.

Election Districts.

CHAP. XIX.

CONTENTS.

1. Congressional Election Districts altered and described.
3. The former Act on this subject, repealed.
2. St. Lawrence, votes taken at the next election in, may be transmitted to the Clerk of Oneida.

An ACT *for regulating the Election of Representatives for this State in the House of Representatives of the Congress of the United States.*

Passed March 20th, 1804.

I. BE *it enacted by the People of the State of New-York, represent-*
1 *ed in Senate and Assembly*, That instead of the present districts for the purpose of electing representatives in the house of representatives of the congress of the United States, this state shall be and is hereby divided into seventeen districts, which shall be known and numbered as follows: The counties of Suffolk and Queens shall compose the first; the county of Kings, the the county of Richmond and the city and county of New-York, shall compose the second and third, and shall elect two representatives; the counties of Westchester and Rockland the fourth; the county of Orange the fifth; the county of Dutchess the sixth; the counties of Ulster and Greene the seventh; the county of Columbia the eighth; the city and county of Albany the ninth; the county of Rensselaer the tenth; the counties of Saratoga, Clinton and Essex the eleventh; the county of Washington the twelfth; the counties of Schoharie and Montgomery the thirteenth; the counties of Otsego and Delaware the fourteenth; the counties of Herkimer, Oneida and St. Lawrence the fifteenth; the counties of Chenango, Onondaga and Tioga the sixteenth, and the counties of Cayuga, Ontario, Gennesee and Steuben, shall compose the seventeenth district.

2 II. *And be it further enacted*, That it shall and may be lawful for the inspectors of elections in the several towns in the county of St. Lawrence, to transmit the votes that may be taken in the said towns at the next election, to the clerk of the county of Oneida, by some one person to be by them appointed for that purpose.

3 III. *And be it further enacted*, That the act, entitled "An act to amend the act for regulating the election of representatives

for this ſtate in the houſe of repreſentatives of the congreſs of the United States," paſſed the thirteenth day of March, one thouſand eight hundred and two, ſhall be and the ſame is hereby repealed.

Treaſurer.

CHAP. II.

An ACT *to continue the Treasurer of this State in Office.*

Paſſed February 11th, 1804.

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That Abraham G. Lanſing ſhall be and hereby is continued in office, as treaſurer of this ſtate, until the eighth day of February next.

Diſeaſes.

CHAP. VIII.

Contents.

3. Cargoes of certain vessels, not to be landed in N. Y. without permit.
6. --------- In what cases, may be discharged by boats and lighters.
13. Cotton, from what parts, may be brot to a certain part of N. York.
12. Health-Officers, to receive 2500 dols....how to apply the same.
4, 8, 11. Offences, how punished.
2. Persons arriving in certain vessels not to proceed to the city of New-York without permit.
9. Provisions salted, not to be packed or repacked within certain limits of the city of New-York....10. Nor salted beef or fish stored during a certain season.
1. Vessels, in what cases not to approach the city of New-York.
5. --------- Coming from certain places, not to come within a certain distance of New-York.
7. --------- To be under the order of the health-office, for cleansing.

An ACT *supplementary to an Act, entitled "An Act to provide against infectious and pestilential Diseases."*

Paſſed February 28th, 1804.

I. BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That every veſſel arriving at the quarantine ground between the firſt day of June and the firſt day of October, in any one year, from a place where a malignant or peſtilential fever prevailed at the time of her departure from ſuch place, or if during her voyage any perſon has died or been ſick on board with ſuch fever, ſhall not be permitted within the period aforeſaid to approach nearer to the city of New-York than the ſaid quarantine ground, except ſuch veſſel be bound to a place eaſtward of the ſaid city and beyond the ſtate, when in ſuch caſe ſhe may be permitted to proceed on-

ward through the found without coming to anchor near the faid
2 city, or holding any intercourfe with it; and that no perfon ar-
riving in fuch or any other veffel at the quarantine ground fhall
3 proceed to the city of New-York, nor fhall any part of the car-
goes of fuch veffels be conveyed to the city of New-York, with-
4 out a permit in writing from the health officer; and that any
mafter or commander of a veffel, paffenger or feaman, or any
other perfon offending in the premifes, fhall be confidered guil-
ty of a mifdemeanor, and on conviction thereof, fhall for each of-
fence be fined in a fum not exceeding two thoufand dollars, to
be applied to the ufe of the marine hofpital, or be imprifoned
for a time not exceeding three years, by any court having cog-
nizance thereof.

5 II. *And be it further enacted*, That no fhips or veffels which
fhall arrive in the port of New-York, from any place in the
Weft-Indies, in South-America, in the United States fouthward
of Savannah in Georgia, in the river Miffifippi, in the Mediter-
ranean, in Africa, or the Iflands thereof, or in Afia (except
Canton and Calcutta) or the Iflands thereof, between the firft
day of June and the firft day of October in any one year, fhall
within that period, and after having been examined and permit-
ted to proceed by the health officer, approach within three hun-
dred yards of that part of the Ifland of New-York which lies
fouthward of a line drawn from the houfe owned and occupied
by William Bayard on the North river, and Stuyvefant's dock
6 upon the Eaft river: But nevertheleſs, if fuch fhips or veffels
coming at anchor within three hundred yards of the faid city of
New-York, the owner or confignees of fuch veffel choofing to
difcharge the whole or any part of faid cargo, if fuch part of her
cargo be proper and found, the fame may be unloaded or dif-
charged by boats or lighters, fubject to the regulations of the
7 commiffioners of the health office; and the faid veffel or veffels
being unloaded of her or their cargoes, fhall then be under the
order and regulations of the office aforefaid, as it refpects ap-
8 pointing proper places for cleanfing and repairing; and that
every mafter, commander, owner or confignee of a veffel con-
cerned in violating this direction, fhall be confidered guilty of
a mifdemeanor, and fhall upon conviction be fubject to the fame
pains, penalties and fines, to be impofed and applied as aforefaid.

9 III. *And be it further enacted*, That no falted provifions fhall be
packed or repacked at any feafon of the year in that part of the
city of New-York, lying to the fouthward of a line drawn from
the outlet of Lifpenard's meadow, and thence following the
courfe of the canal until it interfects Grand-ftreet, and thence
through Grand-ftreet to where it interfects Ferry-ftreet, then
10 down Ferry-ftreet to the Eaft river; and that from the firft day
of May to the firft day of October, in any one year, no falted or
pickled beef, or fifh in barrels or half barrels, except fmoked
beef and fifh, fhall be depofited within the above limits, except
fuch as fhall be expofed for fale by butchers in the public mar-
kets, or fhall be kept by the heads of families for the ufe of their
11 *refpective* families; and that every perfon offending in the pre-

mifes fhall be confidered guilty of a mifdemeanor, and upon conviction thereof, fhall be fined for each offence in a fum not exceeding five hundred dollars, or be imprifoned for a time not exceeding fix months, by any court having cognizance thereof.

IV. *And be it further enacted*, That it fhall be lawful for the 12
comptroller to iffue his warrant on the treafurer in favor of the commiffioners of the health office for two thoufand five hundred dollars, for which fum the faid commiffioners of the health office fhall be accountable, and render to the comptroller accounts and fufficient vouchers for the expenditure thereof, to be applied by them to fatisfy all demands which have accrued againft them for the laft year, and to caufe to be made fuch repairs and improvements as may be neceffary in the wharves, fences and buildings, at the quarantine ground.

V. *And be it further enacted*, That all cotton in bales which 13
is the produce of any part of the United States, or the territories thereunto belonging, fhall and may be brought into that part of the city of New-York north of a line commencing at the outlet of Lifpenard's meadow, and thence in a line to Ferry-ftreet, at or near Corlaer's hook, on the Eaft river, between the firft day of June and the firft day of November, in any one year, any law to the contrary notwithftanding.

CHAP. LXXIX.

An ACT *to prevent the bringing in and the spreading of infectious and pestilential Diseases in the Cities of Albany and Hudson.*

Paffed April 9th, 1804.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That from and after the paffing of this act, the mayor of the city of Albany and Hudfon, and in their abfence, the recorder of the faid cities refpectively, fhall execute the act, entitled "An act to provide againft infectious and peftilential difeafes," paffed the thirtieth day of March, one thoufand eight hundred and one, as it relates to the cities of Albany and Hudfon; and the phyfician appointed for the faid cities refpectively by virtue of the aforefaid act, is hereby authorized to demand and receive, whenever the mayor or recorder as aforefaid fhall deem it requifite to put in operation the quarantine regulations authorized by the above recited law, from the commander of each and every veffel coming up the river and bound to the faid cities, or who may come and put on fhore any perfon or perfons, or any article whatfoever, in the faid cities refpectively, or within one mile above or below the fame, the fum of one dollar and fifty cents for examining and infpecting every fuch veffel conformable to and for the purpofes fet forth in the above recited act: *Provided nevertheless*, That fuch fum fhall not be exacted for any veffel of a lefs burden than twenty tons; and for every veffel of a lefs burden than twenty tons, the fum of feventy-five cents.

II. *And be it further enacted*, That if any perſon or perſons whoſoever ſhall hinder, or attempt to hinder or obſtruct the ſaid phyſician, or any perſon in his employ, in executing the duties enjoined on him by this and the above recited act, they ſhall be liable to the forfeiture contained in the aforeſaid recited act, which forfeiture ſhall be applied towards the ſupport of the Lazaretto eſtabliſhed in the cities of Albany and Hudſon reſpectively.

Weights and Measures.

CHAP. I.

Contents.

20. Act hereby amended, part thereof repealed.
2. Assistant State Sealer, how to be appointed.
15. -------- To compare his standard with the principal state standard.
18. -------- To take an oath.---19. His compensation.
3. County Sealers in the Western District, how to be appointed.
9. -------- To procure standards.
16. -------- To compare their standard with one of the state standards.
18. -------- To take an oath.---19. Their compensation.
6. County Standards, of what materials to be made,
11. -------- How to be marked---12. Device to be recorded.
1. State Sealer, Secretary to be, ex-officio,
8. -------- To procure two sets of standards.
5. State Standards, of what materials to be made.
11. -------- How to be marked.
4. Town Sealers in the Western District, how to be appointed.
10. -------- To procure standards.
14. -------- If not chosen, their duties to be performed by the county sealers.
17. -------- To compare their standards with the county standards.
18. -------- To take an oath.---19. Their compensation.
7. Town Standards, of what materials to be made.
13. -------- How to be marked, and device to be recorded.

An ACT *to amend an Act, entitled "An Act to ascertain Weights and Measures within this State."*

Paſſed February 2d, 1804.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the ſecretary of this
1 ſtate, for the time being, ſhall ex-officio be the ſtate ſealer of
2 weights and meaſures: and that there ſhall be one aſſiſtant ſtate ſealer, to be appointed from time to time, as occaſion may require by the perſon adminiſtering the government of this ſtate, by and with the advice and conſent of the council of appointment,
3 in the county of Oneida; and that there ſhall be one ſealer of weights and meaſures in each county, in the weſtern diſtrict of this ſtate to be appointed by the board of ſuperviſors, that ſhall think proper to appoint one, at their annual meeting in October;
4 and one town ſealer of weights and meaſures in each town, that ſhall think proper to elect one, to be elected as other town officers are directed to be elected.

II. *And be it further enacted*, That the ſeveral ſtate ſtandard 5
weights and meaſures ſhall be made of iron, braſs or copper,
as the ſecretary ſhall direct; and the ſeveral county ſtandard 6
weights and meaſures, ſhall be of ſuch materials as the ſeveral
boards of ſuperviſors ſhall direct, and the ſeveral town ſtandard 7
weights and meaſures ſhall be of ſuch materials as the ſuperviſor
of each town ſhall direct.

III. *And be it further enacted*, That it ſhall be the duty of the 8
ſaid ſecretary, within nine months after the paſſing of this act,
at the coſt of this ſtate, to procure two ſets of ſtandard weights
and meaſures, of the ſame weight and capacity as is mentioned
in the act hereby amended, with ſuch beams as he ſhall think
neceſſary; one ſet to be kept by himſelf as a principal ſtate ſtand-
ard, and the other three ſets to be delivered to the ſaid aſſiſtant
ſtate ſealers.

IV. *And be it further enacted*, That the ſaid county ſealers of 9
weights and meaſures ſhall, at the coſt of the reſpective counties
for which they are elected, within ſix months after being notifi-
ed of their ſeveral appointments by the clerks of the ſeveral
boards of ſuperviſors, whoſe duty it ſhall be to give ſuch notice,
to procure a complete ſet of ſtandard weights and meaſures for
the uſe of each reſpective county; and that the ſeveral town ſeal- 10
ers of weights and meaſures, at the coſt of the reſpective towns,
ſhall within ſix months after their reſpective appointments, pro-
cure a ſet of ſtandard weights and meaſures for the uſe of the
town or towns for which they ſhall be reſpectively appointed.

V. *And be it further enacted*, That the letters N. Y. ſhall be 11
impreſſed on all the ſtate ſtandard weights, meaſures and beams,
and on the ſeveral county ſtandard weights, meaſures and beams,
with ſuch other device, in addition, as the ſaid ſecretary ſhall
direct for each county, which device ſhall be recorded in the re- 12
cords of this ſtate, and a copy thereof delivered by the ſecretary
to the aſſiſtant ſtate ſealer; and the ſeveral town ſtandard weights, 13
meaſures and beams ſhall be impreſſed by the county ſealer, in
which ſuch town ſhall be ſituate with ſuch other device, in addi-
tion to the county device, as the board of ſuperviſors ſhall direct
for the ſeveral towns in their ſeveral counties; which ſeveral
town devices ſhall be recorded by the clerks of the ſeveral boards
of ſuperviſors, in a book ſuitable for that purpoſe, and a copy of
ſuch record delivered by ſaid clerk to the county ſealer: *Provid-* 14
ed nevertheless, That if any town ſhall neglect to appoint a town
ſealer of weights and meaſures, then it ſhall be lawful for the
county ſealer to ſeal all the weights, meaſures and beams belong-
ing to the inhabitants of ſuch town ſo neglecting.

VI. *And be it further enacted*, That it ſhall be the duty of the 15
aſſiſtant ſtate ſealers to have their ſtandard weights and meaſures
compared with the principal ſtate ſtandard once in fourteen
years; and that the ſeveral county ſealers ſhall have their ſtand- 16
ard weights and meaſures compared with one of the ſtate ſtand-
ards once in ſeven years, and oftener if neceſſary; and the ſev- 17
eral town ſealers ſhall have their town ſtandards compared with
the county ſtandard once in three years; that before either of 18

the ſealers of weights and measures, who ſhall be appointed by virtue of this act, ſhall enter on the duties of his office, he ſhall take and ſubſcribe an oath or affirmation before one of the judges of the ſupreme court, court of common pleas or juſtice of the peace of the county wherein ſuch ſealer is reſident, well and truly according to be beſt of his ſkill and ability to perform the duties by this act enjoined, and cauſe a certificate thereof to be filed in the ſecretary's office, or the office of county or town clerk as the caſe may be.

19 VII. *And be it further enacted*, That each of the ſealers of weights and meaſures within this ſtate, ſhall be entitled to receive for his ſervice for ſealing and marking beams or meaſures, which ſhall from time to time be brought to him for that purpoſe, twelve and an half cents; and for every weight and every ſmall liquid meaſure, two cents over and above his coſt of making them right, if they are not ſo when brought to him for that purpoſe.

20 VIII. *And be it further enacted*, That ſo much of the act hereby amended as reſpects the appointment of ſealers of weights, meaſures, fees and device, ſhall be and hereby is repealed, ſo far as reſpects the ſaid weſtern diſtrict.

Auction.

CHAP. LXV.

Contents.

5. Act, when to take effect and how long to continue in force.
6. ----- Amended, 1st sect. except as hereby altered, to remain in force.
4. Auctioneers, how to make out their accounts of sales and duties.
1. Duties, rate of, on East-India goods sold at auction.---2. On West-India goods.---3. On wines and ardent spirits.

An ACT *to amend an Act, entitled "An Act to regulate Sales by public Auction, and to prevent Stock-Jobbing."*

Paſſed April 6th, 1804.

I. BE *it enacted by the People of the State of New-York, represented*
1 *in Senate and Assembly*, That inſtead of the duty to which the goods, wares, merchandizes and effects herein after named, and ſold at auction or vendue in the city of New-York, are ſubject in and by the firſt ſection of the act, entitled "An act to regulate ſales by public auction and to prevent ſtock-jobbing," ſuch duties ſhall hereafter and during the continuance of this act, be as follows, that is to ſay: All goods, wares, merchandizes and effects whatſoever, of the growth or produce, or imported from the Eaſt-Indies, and which ſhall be ſold in packages, bales, trunks or caſks, as the ſame were imported, ſhall be ſubject to a duty of one dollar and fifty cents for every hundred dollars of the value at which the ſame ſhall be ſold, and at and after the ſame

rate for any greater or less sum: And all goods, wares, merchandizes and effects whatsoever, imported from the West-Indies, being the growth or produce thereof, and which shall be sold in packages, bales, casks or boxes, as the same were imported, shall be subject to a duty at and after the rate of two dollars for every hundred dollars of the price at which the same shall be sold, which duties shall be paid as in and by the said act is directed: And also, all wines and ardent spirits from whatever place the same may be imported, if sold in casks or vessels as the same were imported. 2 3

II. *And be it further enacted*, That it shall be the duty of the auctioneers or vendue masters in stating their accounts of sales and duties, to distinguish the different kinds of goods sold, as far as the same are affected by this act, with the amount of sales and duties on each head. 4

III. *And be it further enacted*, That this act shall take effect on the first day of May next, and remain in force until the first day of March, in the year one thousand eight hundred and six, and no longer. 5

IV. *And be it further enacted*, That all the provisions in the said first section of the act aforesaid, except so far as the same are hereby altered, shall be and remain in full force as though this act had not been passed. 6

Lottery.

CHAP. XX.

Contents.

3. Lovett, John, when requested, to pay certain monies and effects to Solomon Southwick.
1. Southwick, Solomon, appointed a manager of the lotteries for the encouragement of literature...2. His powers and duties.

An ACT *supplementary to the Act, entitled "An Act for the Encouragement of Literature."*

Passed March 20th, 1804.

WHEREAS it appears that John Lovett, named in the said act, hath removed to, and now resides in, the state of Vermont; by reason whereof it is inexpedient that he should remain a manager of the lotteries directed in and by the said act: Therefore,

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Solomon Southwick, of the city of Albany, shall be and he is hereby appointed a manager of the said lotteries in the place and stead of the said John Lovett, who shall from henceforth cease to be a manager thereof; and that the said Solomon Southwick shall in all things have the like power and authority, and be subject to the like duties as are given to, and made obligatory on, the managers named in the 1 2

said act: *Provided nevertheless*, That the said Solomon Southwick, before he in any way takes upon himself the management of such lotteries, shall enter into such bond with such surety as is mentioned in the said act.

3 II. *And be it further enacted*, That it shall be the duty of the said John Lovett, whenever thereunto requested by the said Solomon Southwick, to pay and deliver unto the said Solomon Southwick all such sums of money, tickets, and other papers as he may have or be accountable for, relative to the said lottery; and that upon the said John Lovett's producing a full receipt for the same to him from the said Solomon Southwick, to the comptroller, it shall be the duty of the comptroller to receive and file such receipt, and deliver up the bond of the said John Lovett and his surety deposited in the comptroller's office, to be cancelled.

Schools.

CHAP. VII.

Contents.

4. Leases, counterpart to be filed in the comptroller's office.
5. ------- Covenants to be contained therein.
2. Lessees to pay an annual rent into the Treasury.
7. ------- To pay certain expences.
6. Rents, on failure of payment, comptroller to make distress, &c.
1. Surveyor-General to lease 1000 acres of land to certain persons.
3. Treasurer to pay Schoolmasters in New-Stockbridge.

An ACT *for the establishing of Schools in New-Stockbridge, for the Instruction of Indian Children.*

Passed February 28th, 1804.

WHEREAS the Stockbridge Indians, by their petition presented to the legislature, have prayed, that one thousand acres of their lands be leased to John Gregg, junior, John Gregg, senior, and James Alexander, in fee, for the purpose of a school or schools for the education of Indian children in New-Stockbridge aforesaid: Therefore,

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the surveyor-general be, and
1 he is hereby required to lease unto the said John Gregg, junior, John Gregg, senior, and James Alexander, and to their respective heirs and assigns for ever, all that certain tract of land in New-Stockbridge aforesaid, beginning at the southeast corner thereof, and from thence running northwardly on the east line of New-Stockbridge aforesaid, one hundred and seventy-seven chains and seventy-eight links to a stake; from thence at right angles westwardly fifty-six chains and twenty-five links to a stake; thence at right angles southerly one hundred and seventy-seven chains and seventy-eight links to the south line of

New-Stockbridge aforesaid; thence eastwardly on the south line above mentioned, fifty-six chains and twenty-five links to the place of beginning, in the following manner, that is to say: To lease unto the said John Gregg, junior, his heirs and assigns for ever, five hundred and forty-two acres and one hundred rods; to the said John Gregg, senior, his heirs and assigns for ever, three hundred acres; and to the said James Alexander his heirs and assigns for ever, one hundred and fifty-seven acres and sixty rods of the above described tract of land; they the said John 2
Gregg, junior, John Gregg, senior, and James Alexander, paying therefor, yearly and every year into the treasury of the state, at and after the rate of thirty bushels of good merchantable winter wheat, at the market price in the city of Albany, for every hundred acres so to be leased as aforesaid, on the first day of February in every year, the market price of which wheat shall annually be determined by the treasurer.

II. *And be it further enacted*, That it shall and may be lawful 3
for the treasurer on the warrant of the comptroller, yearly and every year, to pay from the rents arising from the said lands so to be leased as aforesaid, to such schoolmaster or schoolmasters such sum or sums as shall be certified by the peace makers of New-Stockbridge, and their missionary, if any they shall have, to be due to such schoolmaster or schoolmasters for his or their services, in instructing Indian children in New-Stockbridge aforesaid, by previous agreement made with such schoolmaster or schoolmasters by the said peace makers.

III. *And be it further enacted*, That the counterparts of the 4
said leases, executed by the lessees shall be lodged by the surveyor-general in the comptroller's office, in which leases there shall 5
be a covenant to recover such rents as are specified in the said leases by distress and sale, and of re-entry after sixty days from the time such rents become due and remain unpaid.

IV. *And be it further enacted*, That it shall be the duty of the 6
comptroller whenever the said rents shall become due and remain unpaid for sixty days, to make the distress and re-entry above mentioned; and in case of such re-entry, the land on which such re-entry shall be made, shall be held in trust by this state for the use of the said Stockbridge Indians, for maintaining a school or schools for the instruction of Indian children in New-Stockbridge.

V. *And be it further enacted*, That the said John Gregg, junior, 7
John Gregg, senior, and James Alexander, shall pay all such expenses as may be necessary to carry this law into effect.

Brothertown.

CHAP. LXXV.

Contents.

5. Brothertown Lands, persons settling on, who have no right, how dealt with.

4. Fees, of Marshals of Brothertown, prescribed.
6. ------ of Judges, Sheriff, &c.
1. Indians residing in Brothertown, in what cases may devise by will.
2. ------ Their wills how executed and proved.
3. Keepers of the Peace, on making decree, in what case may cause the amount to be levied by distress and sale.
7. Superintendents, when to pay deficiencies of costs.

An ACT *to alter and amend an Act, entitled "An Act relative to Indians."*

Paſſed April 7th, 1804.

I. BE *it enacted by the People of the State of New-York, repre-*
1 *ſented in Senate and Aſſembly*, That it ſhall and may be lawful for any Indian reſiding in Brothertown, to whom any lands have been aſſigned, to give and bequeath by will, in writing, his perſonal eſtate; alſo to give and deviſe any right, title or intereſt which he may acquire to any lands, except the lands
2 ſet apart for the Brothertown Indians; and every ſuch will and deviſe ſhall be executed and proved as is directed by the act, entitled "An act to reduce the laws concerning wills into one ſtatute," paſſed the 20th day of February, one thouſand eight hundred and one, and be of the ſame validity as if made by any white perſon.

3 II. *And be it further enacted*, That whenever any order or decree is made by the keepers of the peace, it ſhall and may be lawful for the ſaid keepers of the peace to cauſe the amount of ſuch order or decree to be immediately levied by diſtreſs and ſale of the goods and chattels of the perſon againſt whom ſuch order or decree ſhall be made: *Provided*, The perſon in whoſe favor ſuch order or decree is made ſhall make it appear to the ſatisfaction of the ſaid keepers of the peace, by his own oath or the oath of any other perſon, that he will be in danger of loſing the ſum ſo decreed if delay of execution be allowed.

4 III. *And be it further enacted*, That the marſhals of Brothertown ſhall be allowed for ſerving a ſummons or execution, mileage, for one mile twelve and a half cents, and for every mile more, ſix cents.

5 IV. *And be it further enacted*, That if any perſon ſhall come to reſide in Brothertown who is not entitled to ſettle on lands in ſaid town, it ſhall be the duty of the attorney of the Brothertown Indians to notify ſuch perſon in writing to remove from ſaid town; and in caſe ſuch perſon ſhall neglect to remove for the ſpace of ſix days after receiving ſuch notice, it ſhall and may be lawful for any judge of the court of common pleas in the county of Oneida, on application by the attorney of ſaid Indians, to iſſue a ſummons commanding ſuch perſon to appear before him on ſuch day as he ſhall appoint, to ſhew cauſe why he ſhould not be removed, which ſummons may be ſerved by the ſheriff, or any conſtable of the county of Oneida; and if no ſatisfactory cauſe be ſhewn to the judge on the return of the ſummons, it ſhall be the duty of the judge to order ſuch perſon to be removed, with his family and effects, if ſuch perſon has a family; and he ſhall

further order and adjudge that such person shall pay such sum as he may deem necessary to defray the costs and expenses of the proceedings under this act, which sum shall be levied by distress and sale of the goods and chattels of the person against whom such order is made, and paid to the judge, to be by him paid to the attorney of the said Indians, after deducting the fees hereafter mentioned, and to be accounted for by the said attorney to the superintendents of said Indians; and the said judge who shall make the said order shall issue his warrant, directed to the sheriff, or any constable of the county of Oneida, commanding them to remove the person against whom such order is made, and to distrain and sell the goods and chattels of the said person to the amount of the sum adjudged for costs; and the said sheriff or constable, as the case may be, are required, without delay, to execute such warrant, and to make return to the judge who issued the same.

V. *And be it further enacted*, That the judge who performs 6
the services required by this act, shall be allowed the following compensation, that is to say: For every summons, twenty-five cents; for every order, one dollar; for every warrant, twenty-five cents; and that the sheriff or constable who serves the summons, shall be allowed the same fees as are allowed to constables for serving a summons under the act, entitled "An act for the more speedy recovery of debts to the value of twenty-five dollars:" And that the officer who shall serve the warrant, shall be allowed such sum as the judge may deem proper; and in case 7
there shall not be a sum sufficient collected of the person against whom the order is made to defray the expense of executing this act, then the same shall be paid by the superintendents of the said Indians, and charged to the account of Brothertown Indians.

Slaves.

CHAP. XL.

An ACT *to repeal the tenth Section of the Act, entitled "An Act concerning Slaves and Servants," passed the 8th day of April*, 1801, *and for other Purposes.*

Passed March 31st, 1804.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the tenth section of the act, entitled "An act concerning slaves and servants," passed the eighth day of April, one thousand eight hundred and one, be and the same is hereby repealed: *Provided*, That all children born of slaves which have been abandoned conformably to the said section of the act aforesaid, shall be provided for at the expense of this state, in the same manner as if this act had not passed.

II. *And be it further enacted*, That nothing in this act contained, shall be construed to prevent any person entitled to the ser-

vice of any child born of a ſlave, after the fourth day of July, in the year one thouſand ſeven hundred and ninety-nine, or which may be born of any ſlave after the paſſing of this act, from abandoning any male child, after it ſhall arrive to the age of twenty-one years, and if a female, to the age of eighteen years: *Provided*, That the perſon entitled to ſuch ſervice ſhall at or immediately before ſuch abandonment obtain a certificate, ſigned by the overſeers of the poor of ſuch city or town where ſuch perſon ſhall reſide, certifying, that ſuch child, if a male, appears to be of the age of twenty-one years, and if a female of the age of eighteen years, and of ſufficient ability to provide for himſelf or herſelf, and ſhall cauſe ſuch certificate to be regiſtered in the office of the clerk of ſuch city or town.

Fishery.

CHAP. LXXIII.

An ACT *to extend the Act, entitled "An Act for the Preservation of the Fishery in certain Waters," passed 3d of April,* 1801, *to the Waters herein mentioned.*

Paſſed April 7th, 1804.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the firſt, ſecond and third ſections of the act, entitled "An act for the preſervation of the fiſhery in certain waters," paſſed the third day of April, one thouſand eight hundred and one, ſhall be and the ſame is hereby extended to the following ſtreams of water, viz. Ofwego river, Graſs river, Racket river, St. Regis river, Wood creek, Fiſh creek, and the different branches which empty into the ſaid ſtreams; and that every perſon who ſhall draw any ſeine, ſet any net, make any wire, or other obſtructions, in the ſaid waters, or ſhall make any dams ſo as to prevent the uſual courſe of the ſalmon from going up the ſaid ſtreams, ſhall be ſubject to the ſame forfeitures as are preſcribed in and by the act above recited.

II. *And be it further enacted*, That the owner or owners of any mill, or other dams, which have been erected acroſs ſaid ſtreams, ſhall, on or before the firſt day of October next, alter the ſame in ſuch manner as is directed in and by the third ſection of the act hereby extended, and that ſuch owners ſhall be ſubject to the ſame penalties for neglect as are preſcribed in and by the ſaid third ſection.

Waters.

CHAP. LIV.

An ACT *making Provision for improving the navigable Streams running through the County of Steuben.*

Paſſed April 4th, 1804.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it ſhall be lawful

for the ſupervifors of the county of Steuben, or a majority of them, at their annual meetings in the ſaid county, to cauſe to be raiſed by tax in the ſame manner as money to defray the contingent charges of the counties in this ſtate are by law directed to be levied and collected, ſuch ſum as they ſhall judge proper, not exceeding five hundred dollars in any one year, together with the legal charges for collecting and paying out the ſame, which ſum ſhall be paid into the treaſury of the ſaid county, on or before the firſt day of February in every year; and the treaſurer of the ſaid county ſhall pay ſuch ſum on the order of Henry A. Townſend, James M'Burny and Benjamin Patterſon, who are hereby appointed commiſſioners to receive ſaid money and apply the ſame to the improvement of the navagable ſtreams running through the ſaid county of Steuben.

II. *And be it further enacted*, That the ſaid commiſſioners ſhall, before they enter upon the execution of the duties enjoined on them by this act, ſeverally give bond to the ſupervifors of the county of Steuben, and their ſucceſſors in office, in the ſum of one thouſand dollars, with ſuch ſureties as the treaſurer of the county of Steuben ſhall approve, conditioned for the faithful performance and diſcharge of the duties enjoined on them by this act, which bonds ſhall be depoſited in the office of the ſaid treaſurer.

III. *And be it further enacted*, That the ſaid commiſſioners ſhall account with the ſupervifors of the county of Steuben, for all monies by them received and expended by virtue of this act, on or before the firſt day of January in every year.

IV. *And be it further enacted*, That each of the ſaid commiſſioners ſhall be entitled to receive out of the ſaid monies, two dollars for each day they ſhall be neceſſarily employed in performing the duties enjoined on them by this act.

V. *And be it further enacted*, That this act ſhall be and continue in force from and after paſſing the ſame until the firſt day of Auguſt one thouſand eight hundred and ten.

CHAP. LXVII.

Contents.

5. Commissioners appointed for erecting a public building.
11. -------- To give bond....12. Account with the comptroller.
4. -------- For superintending the improvement of the navigation of Hudson river, in what sum to give bond...13. In case of vacancy among, how filled.
6. Corporation of Albany, authorized to sell the court house.
7. -------- To whom to pay the monies produced by sale of c. house.
8. -------- Not to give possession of the court house until the state house be finished.
3. Literature, eighth section of the act for the encouragement of repealed.
1. Managers of Literature Lottery, authorized to raise an additional sum of money.
2. -------- To whom to pay the avails.
10. -------- Authorized to raise a further sum of money.
9. Supervisors, made their duty to raise two certain sums of money.

An ACT *making Provision for improving Hudson's River, below the City of Albany, and for other Purposes.*

Paſſed April 6th, 1804.

I. BE *it enacted by the People of the State of New-York, repre-*
1 *ſented in Senate and Aſſembly*, That the managers of the lotteries directed in and by the act, entitled "An act for the encouragement of literature," ſhall, as ſoon as conveniently may be, and within two years after the drawing of the fourth of the ſaid lotteries, proceed to raiſe by lottery the ſum of twenty thouſand
2 dollars, with the fees and charges allowed them by law; and ſhall forthwith, after the drawing of ſuch lottery, pay the ſaid ſum of twenty thouſand dollars to the perſons named in the ſeventh ſection of the act, entitled "An act making further proviſion for improving the navigation between the villages of Troy and Waterford, and for other purpoſes," for the uſes and purpoſes therein mentioned; and that the ſaid lottery ſhall in all things be under the reſtrictions contained in the act firſt mentioned.

3 II. *And be it further enacted*, That the eighth ſection of the act herein firſt mentioned ſhall be and the ſame is hereby repeal-
4 ed; and alſo that the bond required to be given by the commiſſioners aforeſaid, ſhall be in the penal ſum of twenty-five thouſand dollars.

And whereas the ſituation of the preſent court houſe in the city of Albany is found by experience to be highly inconvenient for the tranſaction of public buſineſs, and the corporation of the ſaid city having repreſented to the legiſlature that they are willing to appropriate a lot of ground on the public ſquare of the ſaid city, for the ſcite of a public building for the accommodation of the legiſlature, and for a new city-hall, and have prayed that the preſent court houſe, and the lot uſed with the ſame, might be ſold, and the proceeds thereof applied towards erecting and finiſhing ſuch new ſtate houſe: Therefore,

5 III. *Be it further enacted*, That John Tayler, Daniel Hale, Philip S. Van Renſſelaer, Simeon De Witt and Nicholas N. Quackenbuſh be, and they are hereby appointed commiſſioners, for the erecting and completing a public building in the city of Albany, on a lot to be deſignated for ſuch purpoſe, as is herein after mentioned, with ſufficient and commodious apartments for the legiſlature, the council of appointment, the courts of juſtice, and for the common council of the ſaid city, upon ſuch conſtruction and plan as by them ſhall be judged proper.

6 IV. *And be it further enacted*, That it ſhall and may be lawful for the ſaid corporation, and they are hereby required, as ſoon as conveniently may be after the paſſing of this act, to proceed to the ſale of the preſent court houſe in the city of Albany, and the ground thereto appertaining, for the beſt price, and on the beſt terms they can procure for the ſame, and on ſuch ſale to convey the ſaid houſe and ground to the purchaſer or purchaſers in fee
7 ſimple; and that the monies ariſing from ſuch ſale ſhall be paid to the ſaid commiſſioners, in ſuch manner and at ſuch time or times as they ſhall require the ſame, to be applied by them to-

wards effecting the object intended by this act: *Provided how-* 8
ever, That nothing herein contained shall be held or construed to authorize the said corporation so to sell and dispose of the premises, as to admit the purchaser thereof to go into actual possession before the new state house shall be completed, until which time the present court house shall be occupied and appropriated as the same hath heretofore been done.

V. *And be it further enacted*, That the surpervisors of the city 9
and county of Albany, shall cause to be raised, levied and collected by a tax on the freeholders and inhabitants of the county of Albany, exclusive of the said city, three thousand dollars, and by a tax on the freeholders and inhabitants of the said city, a further sum of three thousand dollars; which sums shall be raised, levied and collected in the same manner as the contingent charges of the said county are by law directed to be raised, levied and collected, which sums, when raised, shall be paid to the order of the said commissioners for the purposes aforesaid.

VI. *And be it further enacted*, That the managers of the lot- 10
teries herein before mentioned, shall cause to be raised by lottery the further sum of twelve thousand dollars, in such manner as they, or a majority of them, shall think proper, which sum, when raised, the said managers shall pay unto the said commissioners for the purposes aforesaid.

VII. *And be it further enacted*, That the said commissioners, 11
before they take upon themselves the execution of the duties aforesaid, shall severally give bond to the people of this state in the penal sum of thirty thousand dollars, conditioned for the faithful discharge of the said duties, which bond shall be lodged with the comptroller; and the said commissioners shall, from 12
time to time, and once at least in every six months after the filing of such bond, account with the comptroller for the monies to be received by them, or which shall be paid on their order.

VIII. *And be it further enacted*, That in case of the death or 13
disability of all or either of the commissioners heretofore appointed for superintending the improvement of the navigation of Hudson's river, below the city of Albany, it shall be the duty of the person administering the government of this state to appoint other commissioners to fill up the vacancy or vacancies which may be occasioned by such death or disability; and that the new commissioners, to be appointed by virtue of this act, shall have all the power and be liable to all the duties which the present commissioners are invested with, or may be liable to.

Ferries.

CHAP. LXVI.

Contents.

6. Boats and Hands, number of, court of c. pleas, to determine.
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15. Dock, to be kept in repair under the direction of the court.
7. Ferriage, rates of, prescribed...11. After the expiration of five years, to be regulated by court of c. pleas.
4. Ferry, when to be set up.
5. ------- Grant of, proviso respecting after 25 years.
10. ------- J. Dubois, jun. his right of maintaining one, not impaired.
13. ------- Grant of, to cease if dock is not completed in two years.
14. ------- Right of keeping, in whom to vest on certain conditions.
8. Penalty for exacting more than legal ferriage.
9. ------- For setting up a ferry within certain bounds.
12. ------- On grantee for wilful neglect.

An ACT *granting to Henry Van Garden the exclusive Right to Ferry on the west Side of the Hudson River at the Village of Cattskill.*

Paſſed April 6th, 1804.

WHEREAS Henry Van Garden, by his petition preſented to the legiſlature, has prayed for an excluſive right to ferry on the weſt ſide of Hudſon's river, at the village of Cattſkill, and for two miles above and below where ſaid ferry is now kept at the village aforeſaid, on the condition that he the ſaid Henry Van Garden ſhould erect a dock for the purpoſe of ſhortening ſaid ferry, and improving the navigation of the Cattſkill creek, and it appearing that the erection of ſuch a dock will prove of great public utility: Therefore,

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it ſhall and may be lawful for
1 the ſaid Henry Van Garden, his heirs or aſſigns, to build and erect a dock from high water mark, at or near where the Suſquehannah turnpike road ſtrikes the weſtern ſhore of the Hudſon river, to the channel of the ſaid river, and as near as may be in the direction of the ſaid road where it ſo ſtrikes the ſaid
2 ſhore, upon his the ſaid Henry Van Garden's firſt obtaining the conſent and approbation of the perſon or perſons owning the
3 right of ſoil thereto, which ſaid dock ſhall not be leſs than thirty feet wide, built in a ſubſtantial and workmanlike manner, and made ſo as to afford a convenient road for the paſſing of carriages of every kind, and ſhall be a public highway, with a good and convenient ferry-ſtairs at the end of ſaid dock, and ſhall be completed at the end of two years from the paſſing of this act.

4 II. *And be it further enacted*, That as ſoon as ſuch dock and ferry ſtairs ſhall, by the judges of the court of common pleas of the county of Greene, or a majority of them, be declared to be completed as aforeſaid, it ſhall and may be lawful to and for the ſaid Henry Van Garden, his heirs and aſſigns, to ſet up, keep and maintain a ferry acroſs the Hudſon's river, from the ferry ſtairs at the end of the ſaid dock, to any public landing place on
5 the eaſtern ſhore of ſaid river, for ever: *Provided nevertheless*, That at and after the expiration of twenty-five years from the paſſing of this act, it ſhall and may be lawful for the legiſlature of this ſtate to put an end to the grant hereby made to Henry Van Garden, his heirs and aſſigns, and to reaſſume to themſelves the rights hereby granted as aforeſaid, by cauſing the fair

value of said dock to be paid unto the said Henry Van Garden, his heirs and assigns, in such manner as is provided in and by the eighth section of this act.

III. *And be it further enacted*, That the said Henry Van Garden, his heirs and assigns, shall keep, support and maintain such a number of good and sufficient ferry boats and men as the court of common pleas of the county of Greene shall annually at their May term declare to be necessary for the public accommodation, and ready at all reasonable times and seasons to transport passengers and their effects; and whenever the said court of common pleas shall declare an additional number of boats or men to be necessary, the said Henry Van Garden, his heirs or assigns, shall procure them in such reasonable time as the said court shall direct: And the said Henry Van Garden, his heirs and assigns, shall be entitled to the following rates or prices of ferriage at the ferry aforesaid, that is to say: For every loaded waggon with two horses and driver, fifty cents; for every empty waggon with two horses and driver, forty cents; for every riding chair with horse and driver, twenty-five cents; for every one horse chaise and driver, twenty-five cents; for every man and horse, fifteen cents; for every footman, six cents; for every loaded cart with one yoke of oxen and driver, fifty cents; for every empty cart with one yoke of oxen and driver, forty cents; for every yoke of oxen and driver, nineteen cents; for all neat cattle per head, six cents; for every calf, hog, sheep or lamb, two cents; for every horse, mare or gelding, nine cents; for every empty pipe or hogshead, two cents; for every empty barrel or cask, one cent; for every bushel of wheat, rye, salt or any other article sold by the bushel, one cent; for every thousand shingles, twelve and an half cents; for every thousand feet of joist or scantling, fifty cents; for every thousand feet of boards, fifty cents; for every barrel of flour, cider or spirits, five cents; for every hogshead of cider, spirits, &c. nineteen cents; for every four wheeled carriage, thirty-one cents, and for every two wheeled carriage, nineteen cents. 6 7

IV. *And be it further enacted*, That if the above named Henry Van Garden, his heirs and assigns, or any ferryman employed by him or them, or either of them, shall take, exact or receive any greater or higher rates for transporting persons, goods and chattels, or other things whatsoever, than are herein before limited and established, he or they, or any of them so offending, shall forfeit and pay for every such offence, the sum of twenty-five dollars, to be recovered in any court within this state having cognizance of the same, by any person who will sue therefor. 8

V. *And be it further enacted*, That if any person or persons, shall, after the said dock and ferry stairs shall be declared to be completed as aforesaid, set up, keep or maintain a ferry, or shall carry or transport any person or persons, goods or chattels, for hire or pay, across the Hudson's river, in the distance of one mile below and one mile above said dock, to be calculated from the middle of said dock, other than the said Henry Van Garden, his heirs and assigns, such person or persons shall, for every such 9

offence, forfeit the ſum of twenty-five dollars, to be recovered in any court within this ſtate having cognizance thereof, by any perſon who will ſue for the ſame: *Provided always*, That nothing herein before contained ſhall be conſtrued to exclude any perſon or perſons living within the diſtance aforeſaid from the ſaid ferry, from the right of carrying and tranſporting themſelves and their goods and chattels reſpectively, in their own boats, without paying any
10 rate of ferriage; *And provided alſo*, That nothing herein before contained ſhall prevent or take away the right of John Dubois, jun. his heirs or aſſigns, to ſet up, keep and maintain a ferry acroſs the ſaid Hudſon's river, from the lands of the ſaid John Dubois, junior, on the ſouth ſide of the Cattskill creek, or in any wiſe to affect or take away the right of ferriage from the eaſt ſide of ſaid river, oppoſite the ſaid village of Cattſkill, of any ferry or ferries already eſtabliſhed.

11 VI. *And be it further enacted*, That the ſaid Henry Van Garden, his heirs and aſſigns, ſhall continue to receive the rates of ferriage aforeſaid, for and during the term of five years from the completion of ſaid dock; and that thereafter the rates of ferriage at ſaid ferry ſhall be regulated by the court of common pleas of the county of Greene, in the manner as is provided in and by the act, entitled "An act to regulate ferries within this ſtate."

12 VII. *And be it further enacted*, That whenever it ſhall appear, upon ſufficient evidence, to the court of common pleas of the county of Greene, at any of their ſtated terms, that the ſaid Henry Van Garden, his heirs or aſſigns, ſhall wilfully neglect to comply with the directions of this act in keeping the ferry aforeſaid, it ſhall and may be lawful for the ſaid court to impoſe a fine on the ſaid Henry Van Garden, his heirs or aſſigns, who ſhall ſo wilfully neglect as aforeſaid to comply with the directions of this act as aforeſaid, in any ſum not exceeding twenty-five dollars, to be levied and made of the goods and chattels, lands and tenements of the perſon or perſons ſo fined, which, when collected, ſhall be paid to the treaſurer of the county of Greene, and appropriated by the ſuperviſors of the ſaid county for the improvement of roads in ſaid county, in ſuch manner as they ſhall
13 deem fit: *Provided*, That if the ſaid Henry Van Garden, his heirs or aſſigns, ſhall not, within two years from the paſſing of this act, complete the dock aforeſaid, according to the true intent and meaning thereof, then this act ſhall ceaſe, be void and of no effect.

14 VIII. *And be it further enacted*, That if any perſon or perſons who do or may claim, adverſe to the owners from whom the ſaid Henry Van Garden, his heirs and aſſigns, ſhall obtain conſent as aforeſaid to build ſuch dock as aforeſaid, ſhall hereafter ſubſtantiate ſuch claim, that then the perſon or perſons thus ſubſtantiating his, her or their claim to the land on which ſaid dock ſhall be built, ſhall, upon refunding to the ſaid Henry Van Garden, his heirs and aſſigns, the fair-value of ſuch dock, be entitled to all the rights and privileges granted by this act to the ſaid Henry Van Garden; and in order to aſcertain the value thereof (pro-

vided the parties cannot agree upon the ſame) it ſhall be ſettled by three ſubſtantial freeholders not intereſted in the queſtion, to be appointed by a judge of the ſupreme court, the party applying firſt having given a reaſonable notice of the time and place when and where ſuch appointment ſhall be made : *Provided always*, That nothing in this act contained ſhall in any wiſe impair or affect any exiſting right of any perſon or perſons whomſoever to any land on the ſhore of the ſaid river, or any right which ſuch perſon or perſons now have, or may hereafter acquire under any laws of this ſtate, to the lands under the waters of the ſaid river, oppoſite to the ſaid ſhore.

IX. *And be it further enacted*, That the ſaid Henry Van Garden, his heirs and aſſigns, ſhall keep the ſaid dock and ferry ſtairs in good repair under the directions of the ſaid court of common pleas of the ſaid county of Greene during the continuance of this act ; and in caſe the ſaid Henry Van Garden, his heirs or aſſigns, ſhall refuſe or neglect to keep ſaid dock and ferry ſtairs in good repair as aforeſaid, he ſhall be ſubject to ſuch fines or penalties as the ſaid court ſhall, from time to time, order or adjudge. 15

CHAP. LXXVII.

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5. Boats and Men, court of common pleas to direct the number.
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8. ..... For establishing a ferry at certain places.
9, 15. ... On grantee for wilful neglect of duty under this act.
14. ..... On corporation of Hudson for neglecting to keep open canal.
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An ACT *granting to Timothy Bunker the exclusive Privilege to Ferry on the west Side of the Hudson's River, at the Village of Athens in the County of Greene, for the Term of five Years.*

Paſſed April 7th, 1804.

WHEREAS the croſſing of Hudſon's river from the city of Hudſon to the village of Athens, in the county of Greene, with ferry-boats, is very much obſtructed at low water by reaſon of a flat in ſaid river : *And whereas* Timothy Bunker, of the village of Athens, has, by his petition preſented to the legiſlature, prayed for an excluſive privilege to ferry from the weſt ſide of

Hudſon's river, at the termination of Ferry-ſtreet, in the ſaid village of Athens, for five years, on the condition that he the ſaid Timothy Bunker ſhall open a canal or channel through the ſaid flat, oppoſite the ſaid city of Hudſon; and it appearing that the opening of ſuch canal or channel will prove of great public utility: Therefore,

I. *Be it enacted by the People of the State of New-York, repre-*
1 *ſented in Senate and Aſſembly*, That it ſhall and may be lawful for the ſaid Timothy Bunker, or his aſſigns, to cut and open a canal or channel through the flat in the Hudſon's river, oppoſite to the city of Hudſon, from the channel of the ſaid river, eaſt of ſaid flat oppoſite to the village of Athens in the county of Greene, and oppoſite the termination of the ſecond or Ferry-ſtreet, on
2 the weſt ſide of the ſaid river, which ſaid canal or channel ſhall not be leſs than twenty feet wide nor leſs than twenty inches deep, and ſhall be made in ſuch manner ſo as to afford a ſufficiency of water that ferry boats may at all times paſs through the ſaid canal or channel at the loweſt common tides in ſaid river, and ſhall be completed within two years.

3 II. *And be it further enacted*, That as ſoon as ſuch canal or channel ſhall by three reputable perſons, not intereſted in the ſame, to be appointed by the court of common pleas of the county of Columbia for that purpoſe, or any two of them attending for the ſaid purpoſe, be declared to be completed as aforeſaid, it ſhall and may be lawful for the ſaid Timothy Bunker, or his aſſigns, to ſet up, keep and maintain a ferry acroſs the Hudſon's river from the weſt ſide of the ſaid river at Athens, at the termination of Ferry-ſtreet, to any public landing place or ferry
4 ſtairs on the eaſt ſide of ſaid river, at the city of Hudſon, for the term of five years from the paſſing of this act.

5 III. *And be it further enacted*, That the ſaid Timothy Bunker, or his aſſigns, ſhall keep, ſupport and maintain ſuch a number of good and ſufficient ferry boats and men as the court of common pleas of the ſaid county of Greene ſhall annually, at their May term declare to be neceſſary for the public accommodation, and ready at all reaſonable times and ſeaſons to tranſport paſſengers and their effects; and whenever the ſaid court of common pleas ſhall declare an additional number of boats or men to be neceſſary, the ſaid Timothy Bunker, or his aſſigns, ſhall procure them in ſuch reaſonable time as the ſaid court ſhall direct;
6 and the ſaid Timothy Bunker ſhall be entitled to ſuch rates or prices of ferriage as ſhall from time to time be eſtabliſhed by the ſaid court of common pleas of the county of Greene.

7 IV. *And be it further enacted*, That if the above named Timothy Bunker, or his aſſigns, or any ferryman employed by him or them, or either of them, ſhall take, exact or receive any greater or higher rates or prices of ferriage for tranſporting perſons, goods or chattels, or other things whatſoever, than ſhall from time to time be eſtabliſhed by the ſaid court of common pleas of the county of Greene, he, they or any of them ſo offending ſhall forfeit and pay, for every ſuch offence, the ſum of twenty-five dollars, to be recovered in any court within this ſtate hav-

ing cognizance of the ſame, by any perſon who will ſue therefor.

V. *And be it further enacted*, That if any perſon or perſons 8
ſhall, after the ſaid canal or channel be declared to be completed as aforeſaid, ſet up, keep or maintain a ferry on the weſt ſide of the ſaid Hudſon's river, at the village of Athens aforeſaid, Eſperanza or Lunenburgh, in the county of Greene, for the purpoſe of tranſporting any perſon or perſons, goods or chattels, for hire or pay, from the ſaid village of Athens, Eſperanza or Lunenburgh, acroſs the Hudſon's river, through the ſaid canal or channel, other than the ſaid Timothy Bunker or his ſucceſſors, ſuch perſon or perſons ſhall for every ſuch offence, forfeit the ſum of twenty dollars, to be recovered in any court within this ſtate having cognizance thereof, by any perſon who ſhall ſue for the ſame: *Provided always*, That nothing herein contained ſhall be conſtrued to exclude any perſon or perſons from the right of carrying and tranſporting themſelves and their goods and chattels reſpectively, in their own boats.

VI. *And be it further enacted*, That whenever it ſhall appear 9
upon ſufficient evidence to the court of common pleas of the county of Greene, at any of the ſtated terms of ſaid court, that the ſaid Timothy Bunker, or his ſucceſſors, ſhall wilfully neglect to comply with the directions of this act, in keeping the ferry aforeſaid, it ſhall and may be lawful for the ſaid court to impoſe a fine on the ſaid Timothy, or his aſſigns, who ſhall ſo wilfully neglect as aforeſaid, to comply with the directions of this act as aforeſaid, in any ſum not exceeding twenty-five dollars, to be levied and made of the goods and chattels, lands and tenements of the perſon or perſons ſo fined, which when collected ſhall be paid to the treaſurer of the county of Greene, and appropriated by the ſuperviſors of the ſaid county, for the improvement of roads in ſaid county in ſuch manner as they ſhall deem fit: *Provided*, That if the ſaid Timothy, or his aſſigns, 10
ſhall not, within two years from the paſſing of this act, complete the canal or channel aforeſaid, according to the true intent and meaning thereof, then this act ſhall ceaſe, be void and of no effect.

VII. *And be it further enacted*, That the ſaid Timothy Bunker, 11
or his aſſigns, ſhall, during the continuance of this act, keep the ſaid canal or channel open and ſufficiently cleared out, ſo as to afford a ſufficiency of water, that ferry boats may at all times in the ſeaſon of ferrying paſs through the ſame at the loweſt common tides in the ſaid river and in caſe the ſaid Timothy Bunker or his aſſigns, ſhall refuſe or neglect to keep the ſaid canal or channel open and ſufficiently cleared out as aforeſaid, he or they, ſhall be ſubject to ſuch fines or penalties, as the ſaid court of common pleas of the ſaid county of Greene, may from time to time order and adjudge.

VIII. *And be it further enacted*, That in caſe the corporation of 12
the city of Hudſon, ſhall, at any time within three months after the paſſing of this act, ſignify their intention to the ſaid Timothy Bunker to make, cut and open the one half of the canal or chan-

nel, through the flat aforeſaid, and in manner aforeſaid, to be made and completed as is mentioned in the firſt and ſecond ſections of this act, then and in that caſe the ſaid corporation ſhall make and open ſuch half of the ſaid canal or channel as ſhall be agreed upon between the ſaid corporation and the ſaid Timothy, and to be approved of by three reputable perſons not intereſted in the ſame, to be appointed by the court of common pleas of the county of Columbia for that purpoſe, or any two of them, attending for the ſaid purpoſe: And the ſaid corporation ſhall, during the continuance of this act, keep their one half of the ſaid canal or channel open and cleared out as is mentioned in the ſeventh ſection of this act, to be kept open and ſufficiently cleared out by the ſaid Timothy; and in caſe of neglect or refuſal they ſhall be ſubject to ſuch fines or penalties as the court of common pleas of the county of Columbia, may from time to time order and adjudge; and further, that in caſe the ſaid corporation of the ſaid city of Hudſon, ſhall within the time aforeſaid, have ſignified their intention as aforeſaid, and the ſaid corporation ſhall have agreed with the ſaid Timothy Bunker, or his aſſigns, on the one half they are to make of the ſaid canal or channel, then and in ſuch caſe the ſaid Timothy Bunker ſhall proceed to make the other half, and complete the ſame in ſuch manner, and within ſuch time as is mentioned in the firſt and ſecond ſections of this act; and in caſe the ſaid Timothy ſhall neglect or refuſe to keep his half of the canal or channel open and cleared out, as mentioned in the ſeventh ſection of this act, he ſhall be ſubject to ſuch fines or penalties as the court of common pleas of the county of Greene, may from time to time order and adjudge.

IX. *And be it further enacted*, That in caſe the ſaid corporation of the city of Hudſon, ſhall not within three months from the paſſing of this act, ſignify their intention to the ſaid Timothy Bunker, or his aſſigns, to make, cut and open the one half of the ſaid canal or channel, in the manner aforeſaid, then the ſaid Timothy Bunker, or his aſſigns, ſhall proceed to cut and open the ſaid canal or channel, in the ſame manner as is mentioned in the firſt ſection of this act: And further, that if any perſon or perſons ſhall, after the ſaid canal or channel, to be made, cut and opened by the ſaid Timothy Bunker, be declared to be completed as aforeſaid, carry or tranſport any perſon or perſons, goods or chattels, for hire or pay from the ſaid city of Hudſon, acroſs the Hudſon river, through the ſaid canal or channel, to the village of Athens, Eſperanza or Lunenburgh, in the county of Greene, other than the ſaid Timothy Bunker, or his aſſigns, ſuch perſon or perſons ſhall be ſubject to ſuch fines or penalties as is mentioned in the fifth ſection of this act, and to be recovered and collected in the ſame manner as directed in the ſaid fifth ſection, any thing in this act herein before contained to the contrary notwithſtanding.

Dams.

CHAP. IX.

An ACT *to authorize Thomas Shankland to build a Dam across the Susquehannah River, near Cooperstown.*

Paſſed February 28th, 1804.

I. BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That it ſhall and may be lawful for Thomas Shankland and his heirs, to build and maintain a rolling dam acroſs the Suſquehannah river, at the head of his raceway, where he turns the waters of the Suſquehannah river to his griſt-mill, near Cooperſtown, not exceeding two feet high from the bottom of the river, the lower ſide from the ridge not leſs than twelve feet wide: *And further*, It ſhall be lawful for the ſaid Shankland, his heirs and aſſigns, from and after the fifteenth day of June in each year, to ſet a plank or board on ſaid dam not more than one foot wide, to ſave water, if he ſhall think it neceſſary, which ſaid plank or board may remain ſo ſet up until the firſt day of March next thereafter in each year, and no longer.

II. *And be it further enacted*, That the ſaid Shankland ſhall make and keep in good repair, a good, ſufficient and convenient lock through his dam, at his mills, for boats to paſs up his raceway into lake Otſego: ſaid lock to be made at ſuch time and in ſuch manner as ſhall be ordered and directed by the court of common pleas of the county of Otſego; and permit boats to paſs up and down ſaid race through ſaid lock free of coſt, any law, uſage or cuſtom to the contrary notwithſtanding. *Provided always*, That this act ſhall be and remain in force during the term of ſeven years, and no longer.

CHAP. XLIII.

An ACT *to authorize John Bleecker and Gerret Peebles to erect a Dam on the Hudson River.*

Paſſed April 3d, 1804.

WHEREAS it is repreſented to this legiſlature by the petition of a number of the inhabitants of the counties of Waſhington and Saratoga, who ſtate that they are intereſted in the lumber and raſting buſineſs, and that a mill dam might be erected on the eaſt ſide of the Hudſon river, at Fort Miller falls, ſo conſtructed as to render raſting over ſaid falls leſs difficult, and be of public utility, and have prayed that the erecting ſuch dam may be authorized by law: Therefore,

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That it ſhall and may be lawful for John Bleecker and Gerret Peebles, their reſpective heirs and aſſigns, to erect a dam on the eaſt ſide of the Hudſon river, on Fort Miller falls, in the town of Argyle, in the county of Waſh-

ington, on the place where their dam lately ſtood : *Provided nevertheless*, That it ſhall not be lawful for the ſaid John Bleecker and Gerret Peebles, their reſpective heirs or aſſigns, or either of them, to extend ſuch dam ſo far into ſaid river from the eaſt bank as the late dam extended, by thirty feet.

Commons.

CHAP. X.

An ACT *concerning the Commons of Oyſterbay in Queens County.*

Paſſed February 28th, 1804.

WHEREAS there are ſituated in the ſouth part of the town of Oyſterbay, in Queens county, certain tracts, conſiſting of beaches, marſhes, meadows, bays and runs of water, which ſaid tracts the inhabitants of the ſaid town have long claimed as their commons : *And whereas*, there are certain individuals, principally of the ſame town, who have aſſumed to claim the ſame as their private property, and conſiderable ſums of money have been expended in law reſpecting the premiſes : *And whereas*, the contending parties have, in their joint petition to the legiſlature, bearing date the nineteenth day of November, one thouſand eight hundred and three, prayed legiſlative proviſion therein : Therefore,

I. BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That it ſhall and may be lawful for the ſuperviſors of the county of Queens, at their next annual meeting, to be held in and for the ſaid county, and they are hereby directed, to cauſe to be raiſed, levied and collected, by tax, on the freeholders and inhabitants of the ſaid town of Oyſterbay, in the ſame manner that money is raiſed, levied and collected for the ſupport of the poor, the ſum of two thouſand ſeven hundred dollars, to be paid into the hands of Jacob Van Wickler, Stephen Froſt, Abraham Monſoort, Nathaniel Coles, junior, Iſaac Smith, John Fleet, and John Cuſhow, junior, or a majority of them, on or before the firſt Monday in January next, by them to be applied for extinguiſhing the ſaid private claims.

II. *And be it further enacted*, That all conveyances to be taken for the premiſes aforeſaid, in purſuance of this act, ſhall be taken in the name of the ſuperviſor of the town of Oyſterbay and his ſucceſſors in office, and ſhall be held in truſt by him and them for the uſe of the freeholders and inhabitants of the ſaid town.

III. *And be it further enacted*, That the ſurplus money, if any there ſhall be, after extinguiſhing the ſaid claims and paying the incidental charges, ſhall be paid into the hands of the overſeers of the poor of the ſaid town, for the uſe of the poor thereof.

Meadows.

CHAP. XIII.

Contents.

3. Commissioners, how chosen.
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6. -------- Of scouring, &c. how defrayed.
14. Forfeitures for certain offences, how recovered.
1. Inspectors for determining the proportion for each proprietor to pay, &c. named.
10. Line Ditches, persons wishing such, how to proceed.
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An ACT *making Provision for draining a certain Tract of Swamp Land and Bog Meadow, in the Towns of Stanford and Northeast, in the County of Dutchess.*

Passed February 28th, 1804.

WHEREAS there is a certain tract of swamp and bog meadow in the towns of Stanford and Northeast, in the county of Dutchess, owned by Caleb Husted, Israel Lewis, Daniel Lewis, Ebenezer Husted, Silas Husted, Peter Husted and others, inhabitants of the said towns, which is so far overflowed with water as to render the same unfit for agricultural purposes: And whereas the proprietors of the said swamp and bog meadow conceive the same may be made fit for the culture of hemp, grass and pasture: Therefore,

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Jesse Thompson, Isaac Hunting and Jeremiah Sherril, or any two of them, or the survivors or survivor of them, shall be inspectors finally to settle and determine the number of acres of swamp and bog meadow, belonging to each proprietor or occupant in said tract, which may in their opinion be benefitted by ditching the same, and the proportion each proprietor shall pay of the sum herein after mentioned, and for the purposes herein after mentioned; which settlement and determination shall be delivered in writing to the commissioners to be chosen as herein after directed and prescribed. 1

II. *And be it further enacted*, That for the purpose of draining the said swamp and bog meadow the sum of fifteen hundred dollars shall be paid by the proprietors and occupants thereof, in the proportion they shall be respectively assessed as aforesaid by the said inspectors, within three months after such assessment as aforesaid shall have been made and completed, to three commissioners, who shall be chosen by the proprietors of said swamp or bog meadow in manner following, to wit: The said proprietors shall meet on the first Tuesday of May next, at the dwelling house of Ebenezer Husted, in the said town of Stanford, and then 2 3

and there by ballot proceed to elect three perſons for commiſſioners, thoſe who ſhall have the greateſt number of votes to be commiſſioners for the enſuing year: That on the firſt Tueſday of May in every year thereafter, the ſaid proprietors ſhall meet at the place aforeſaid, or at ſuch other place in either of the ſaid towns of Northeaſt or Stanford, as the majority of the ſaid proprietors for the time being ſhall have previouſly agreed on or adjourned to, for the purpoſe of making ſuch election of commiſſioners; that each perſon holding two acres of ſaid ſwamp land, ſhall be entitled to one vote at every ſuch election for commiſſioners, and for every two acres more ſo held by any ſuch proprietor, he ſhall have one vote, provided that no perſon ſhall be entitled to a greater number than twenty-five votes at ſuch elections;
4 that the ſaid monies, ſo as aforeſaid to be paid to the ſaid commiſſioners, ſhall be applied by them towards paying all incidental charges that ſhall ariſe in or about the buſineſs of draining ſaid ſwamp or bog meadow, in ſuch manner as they or a majority of them ſhall think proper, who are hereby fully authorized and empowered to cut or cauſe to be cut one or more main ditch or ditches through the ſaid ſwamp, in ſuch manner and in ſuch direction as to the ſaid commiſſioners or a majority of them ſhall appear beſt calculated to carry the intentions of this act into effect.

5 III. *And be it further enacted*, That in caſe any perſon aſſeſſed as aforeſaid, ſhall neglect or refuſe to pay the monies or any part thereof, ſo as aforeſaid made payable by him for the purpoſe aforeſaid, to the commiſſioners or either of them to be elected as aforeſaid, within the time above limited, it ſhall and may be lawful for the ſaid commiſſioners or the ſurvivors of them, to ſue for and recover the ſame with intereſt and coſts of ſuit, in an action of debt, in any court in this ſtate having cognizance of ſuch amount.

6 IV. *And be it further enacted*, That for the defraying the expenſe of clearing and ſcouring ſuch main ditch or ditches as ſhall be made by the direction of ſaid commiſſioners for draining ſaid ſwamp or bog meadow, from time to time, the proprietors or occupants thereof for the time being ſhall after the firſt day of May, in the year one thouſand eight hundred and ſeven, pay to the ſaid commiſſioners on or before the firſt Monday in July, in each year, ſuch annual ſum, not exceeding ten cents per acre of ſaid ſwamp or meadow, as a majority of ſaid proprietors or occupants at their annual meeting on the firſt Tueſday in May,
7 in each year, ſhall think proper to raiſe; and in caſe any proprietor or occupant ſhall neglect to pay annually on the firſt day of July ſuch ſum not exceeding ten cents per acre of the ſaid ſwamp or meadow, the commiſſioners for the time being ſhall be and hereby are authorized and empowered to ſue for and recover the ſame, in an action of debt, before any juſtice of the peace in the ſaid county, with intereſt and coſts of ſuit, which ſaid commiſſioners ſhall apply the money, or ſuch part thereof as they may deem proper, to the clearing and ſcouring ſaid ditch or ditches.

V. *And be it further enacted*, That it ſhall and hereby is 8
made the duty of the reſpective commiſſioners, to be annually elected as aforeſaid, to render an account of all the expenditures of ſaid monies to the ſaid proprietors or occupants at their annual meeting on the firſt Tueſday in May, and they ſhall then 9
deliver the monies (if any) and their accounts and papers in relation to their truſt and duty to the commiſſioners who ſhall have been elected to ſucceed them.

VI. *And be it further enacted*, That any proprietor or occu- 10
pant in ſaid ſwamp or bog meadow, who ſhall be deſirous of having one or more line ditch or ditches made, to give at leaſt thirty days notice of his or her ſaid intention to the perſon or perſons owning or poſſeſſing the part or parts adjoining to his or her lands, and if after ſuch notice, any perſon or perſons ſo notified, ſhall neglect or refuſe to make one equal half part of ſuch line ditch or ditches, it ſhall and may be lawful for the perſon ſo giving notice, to make ſuch ditch or ditches, and to ſue for and recover from the party or parties neglecting or refuſing to make his or her proportion thereof, the whole expenſe of making ſuch proportion with intereſt and coſts in an action of debt before any juſtice of the peace of the ſaid county.

VII. *And be it further enacted*, That all line ditches to be 11
made in purſuance of this act, ſhall be cut five feet wide, and four feet deep, unleſs the parties owning the lands on each ſide thereof ſhall otherwiſe agree.

VIII. *And be it further enacted*, That in caſe the ſaid com- 12
miſſioners ſhall find it neceſſary to continue ſuch ditch or ditches, to be made in purſuance of this act, over lands adjoining the ſaid tract of ſwamp or bog meadow for the purpoſe of draining the ſame more effectually, they, or any two of them, are hereby authorized to compound, agree and ſettle with the owner or owners of ſaid lands for ſuch privilege as in their opinion ſhall be reaſonable, and to pay ſuch ſum or ſums as ſhall be agreed on, out of the ſaid ſum of fifteen hundred dollars, or ſuch other monies in their hands, or which ſhall be raiſed for the purpoſe of ditching ſaid ſwamp or bog meadow; and if they do not agree as aforeſaid, the judges of the court of common pleas of ſaid county, not intereſted in the premiſes, or a majority of them, on application made to them by the ſaid commiſſioners for that purpoſe, ſhall be and are hereby authorized and required to appoint three reputable freeholders in ſaid county, not intereſted in the ſaid lands, to appraiſe and aſcertain what compenſation, if any, the owner or owners of ſuch lands ſhall be reaſonably entitled to for the privilege of ditching or draining ſaid ſwamp or bog meadow through his land; and if the ſaid commiſſioners, or a majority of them, ſhall think proper to pay ſuch appraiſement to the owner or owners of ſuch land, it ſhall and may be lawful for them, upon paying the ſame, to proceed to ditch, or direct the cutting ſuch ditch or ditches as they may deem proper and neceſſary for the purpoſes aforeſaid, any law to the contrary notwithſtanding.

IX. *And be it further enacted*, That it ſhall and may be law- 13

hundred and six, on or before the first Tuesday of May in every year thereafter, to the treasurer to be chosen annually, by a majority of said proprietors, who shall meet on the first Tuesday in January for that purpose, at the dwelling house now occupied by
6 Benjamin Coe, one of the said proprietors; and in case any proprietor or occupant shall neglect to pay annually, on the first Tuesday of May, such sum, not exceeding six cents per acre, as settled by the said inspectors as aforesaid, the treasurer for the time being may sue for and recover the same before any justice of the peace in the said county, with interest and costs of suit,
7 which treasurer shall apply the money, or such part thereof as he may deem necessary, in clearing and scouring said ditch or ditches, who shall also render an account of the expenditure of said monies to the proprietors or occupants so met as aforesaid; and the monies (if any) the papers and accounts respecting said swamp or bog meadow, he shall then deliver to the treasurer who may be chosen to succeed him.

8 V. *And be it further enacted*, That any proprietor or occupant who shall be desirous of having one or more line ditch or ditches made, shall give at least thirty days notice of his or her intention to the person or persons owning or possessing the part or parts adjoining; and if, after such notice, any person or persons shall neglect or refuse to make one equal half part of such line ditch or ditches, the person so giving notice may proceed to dig such ditch or ditches, and may sue the other party or parties respectively, for the one half of the expense thereof, before any justice of the peace of said county, in an action on the case, and recover and receive the same, with interest and costs of suit.

9 VI. *And be it further enacted*, That all line ditches as aforesaid shall be cut four feet wide and two and an half feet deep, unless the parties interested shall otherwise determine and agree.

10 VII. *And be it further enacted*, That in case the said sum of three hundred dollars shall not be sufficient for draining said swamp or bog meadow agreeable to the directions of this act, such further sum, not exceeding two hundred dollars, shall be raised, as a majority of the proprietors shall think proper, which further sum shall be paid to the said commissioners by the respective proprietors in the same proportion as the three hundred dollars are to be paid.

CHAP. XCI.

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An ACT *for draining a certain Swamp and Bog Meadow in the County of Rockland.*

Passed March 20th, 1804.

WHEREAS there is a certain tract of swamp and bog meadow in the towns of Hempstead and Haverstraw, in the county of Rockland, owned by Benjamin Coe, Isaac Conklin, Benjamin Secor, Samuel W. Coe, Jonah Odell, and others, proprietors of said swamp, which is so far overflowed or drowned as to render the same unfit for agricultural purposes: *And whereas* the said proprietors of the said swamp and bog meadow conceive the same may be made fit for the culture of hemp, mowing and pasturage: Therefore,

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That John D. Coe, Halsted Gurnee, 1
and John Knapp, or any two of them, or the survivors or survivor of them, shall be inspectors to finally settle and determine the number of acres of swamp and bog meadow belonging to each proprietor or occupant in said tract which may, in their opinion, be benefitted by draining or ditching the same, which settlement and determination shall be delivered in writing to the treasurer hereafter to be chosen by virtue of this act.

II. *And be it further enacted*, That for the purpose of draining 2
the said swamp and bog meadow, a sum not exceeding three hundred dollars shall be paid by the proprietors and occupants thereof, in proportion to the number of acres they respectively own and possess, and that will be benefitted thereby, as settled by
said inspectors, which sum shall be paid to Benjamin Coe, 3
Samuel W. Coe and Jonah Odell, commissioners, to be by them applied in paying all incidental charges that shall arise in or about the business of draining said swamp or bog meadow, in such manner as they, or a majority of them, may think proper, by cutting or causing to be cut, one or more main ditch or ditches in such manner and in such direction as to the said commissioners, or a majority of them, shall appear best calculated to carry the design of this act into effect.

III. *And be it further enacted*, That each proprietor or occu- 4
pant shall, within one month after the said inspectors have settled and determined the respective proportions of the said sum, not exceeding three hundred dollars as aforesaid, pay the same to the said commissioners or either of them; and in default thereof it shall be lawful for the said commissioners or either of them, to recover the same by action of debt in any court have cognizance thereof, with interest and costs of suit.

IV. *And be it further enacted*, That for the defraying the 5
expense of clearing and scouring such main ditch or ditches as shall be made by the direction of the said commissioners for draining said swamp or bog meadow, the proprietors or occupants thereof for the time being, shall, for every acre, as settled by the said inspectors, pay such sum annually, not exceeding six cents, if a majority of them at their annual meeting shall think proper, to be computed from the first day of January, one thousand eight

hundred and six, on or before the first Tuesday of May in every year thereafter, to the treasurer to be chosen annually, by a majority of said proprietors, who shall meet on the first Tuesday in January for that purpose, at the dwelling house now occupied by Benjamin Coe, one of the said proprietors; and in case any proprietor or occupant shall neglect to pay annually, on the first Tuesday of May, such sum, not exceeding six cents per acre, as settled by the said inspectors as aforesaid, the treasurer for the time being may sue for and recover the same before any justice of the peace in the said county, with interest and costs of suit, which treasurer shall apply the money, or such part thereof as he may deem necessary, in clearing and scouring said ditch or ditches, who shall also render an account of the expenditure of said monies to the proprietors or occupants so met as aforesaid; and the monies (if any) the papers and accounts respecting said swamp or bog meadow, he shall then deliver to the treasurer who may be chosen to succeed him.

V. *And be it further enacted*, That any proprietor or occupant who shall be desirous of having one or more line ditch or ditches made, shall give at least thirty days notice of his or her intention to the person or persons owning or possessing the part or parts adjoining; and if, after such notice, any person or persons shall neglect or refuse to make one equal half part of such line ditch or ditches, the person so giving notice may proceed to dig such ditch or ditches, and may sue the other party or parties respectively, for the one half of the expense thereof, before any justice of the peace of said county, in an action on the case, and recover and receive the same, with interest and costs of suit.

9 VI. *And be it further enacted*, That all line ditches as aforesaid shall be cut four feet wide and two and an half feet deep, unless the parties interested shall otherwise determine and agree.

10 VII. *And be it further enacted*, That in case the said sum of three hundred dollars shall not be sufficient for draining said swamp or bog meadow agreeable to the directions of this act, such further sum, not exceeding two hundred dollars, shall be raised, as a majority of the proprietors shall think proper, which further sum shall be paid to the said commissioners by the respective proprietors in the same proportion as the three hundred dollars are to be paid.

CHAP. XCI.

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7. -------- Authorized to prosecute for monies unpaid.
8. -------- In what case to sell lots on which assessments are unpaid.
9. -------- How to proceed where ditches are to be taken through adjoining lands.

V. *And be it further enacted*, That it ſhall and hereby is 8
made the duty of the reſpective commiſſioners, to be annually elected as aforeſaid, to render an account of all the expenditures of ſaid monies to the ſaid proprietors or occupants at their annual meeting on the firſt Tueſday in May, and they ſhall then 9
deliver the monies (if any) and their accounts and papers in relation to their truſt and duty to the commiſſioners who ſhall have been elected to ſucceed them.

VI. *And be it further enacted*, That any proprietor or occu- 10
pant in ſaid ſwamp or bog meadow, who ſhall be deſirous of having one or more line ditch or ditches made, to give at leaſt thirty days notice of his or her ſaid intention to the perſon or perſons owning or poſſeſſing the part or parts adjoining to his or her lands, and if after ſuch notice, any perſon or perſons ſo notified, ſhall neglect or refuſe to make one equal half part of ſuch line ditch or ditches, it ſhall and may be lawful for the perſon ſo giving notice, to make ſuch ditch or ditches, and to ſue for and recover from the party or parties neglecting or refuſing to make his or her proportion thereof, the whole expenſe of making ſuch proportion with intereſt and coſts in an action of debt before any juſtice of the peace of the ſaid county.

VII. *And be it further enacted*, That all line ditches to be 11
made in purſuance of this act, ſhall be cut five feet wide, and four feet deep, unleſs the parties owning the lands on each ſide thereof ſhall otherwiſe agree.

VIII. *And be it further enacted*, That in caſe the ſaid com- 12
miſſioners ſhall find it neceſſary to continue ſuch ditch or ditches, to be made in purſuance of this act, over lands adjoining the ſaid tract of ſwamp or bog meadow for the purpoſe of draining the ſame more effectually, they, or any two of them, are hereby authorized to compound, agree and ſettle with the owner or owners of ſaid lands for ſuch privilege as in their opinion ſhall be reaſonable, and to pay ſuch ſum or ſums as ſhall be agreed on, out of the ſaid ſum of fifteen hundred dollars, or ſuch other monies in their hands, or which ſhall be raiſed for the purpoſe of ditching ſaid ſwamp or bog meadow; and if they do not agree as aforeſaid, the judges of the court of common pleas of ſaid county, not intereſted in the premiſes, or a majority of them, on application made to them by the ſaid commiſſioners for that purpoſe, ſhall be and are hereby authorized and required to appoint three reputable freeholders in ſaid county, not intereſted in the ſaid lands, to appraiſe and aſcertain what compenſation, if any, the owner or owners of ſuch lands ſhall be reaſonably entitled to for the privilege of ditching or draining ſaid ſwamp or bog meadow through his land; and if the ſaid commiſſioners, or a majority of them, ſhall think proper to pay ſuch appraiſement to the owner or owners of ſuch land, it ſhall and may be lawful for them, upon paying the ſame, to proceed to ditch, or direct the cutting ſuch ditch or ditches as they may deem proper and neceſſary for the purpoſes aforeſaid, any law to the contrary notwithſtanding.

IX. *And be it further enacted*, That it ſhall and may be law- 13

ſaid ſwamp or bog meadow, who reſides within the ſaid county, and cauſe a copy of ſuch notice to be publiſhed at leaſt three weeks ſucceſſively, in one of the newſpapers printed in ſaid county where ſaid ſwamp or bog meadow is ſituate, which publication ſhall be taken and deemed a ſufficient notice to all and every proprietor or owner thereof, who do not reſide within the ſaid county, and ſuch day of meeting ſhall be their anniverſary day of meeting for chooſing their treaſurer and the commiſſioners herein after mentioned.

13 IX. *And be it further enacted*, That in caſe any proprietor or occupant ſhall neglect or refuſe to pay annually on the firſt day of May, ſuch ſum, not exceeding three cents per acre, as ſettled by ſaid inſpectors, the treaſurer for the time being may ſue for and recover the ſame before any juſtice of the peace in ſaid
14 county, with intereſt and coſts of ſuit; which treaſurer ſhall apply the money or ſuch part thereof as he may deem neceſſary to
15 clearing and ſcouring ſaid ditch or ditches; and who ſhall render an account of the ſame to the proprietors or occupants, at their next annual meeting, and the monies, if any, the papers and accounts relating to ſaid ſwamp and bog meadow, he ſhall then deliver over to his ſucceſſor in office.

16 X. *And be it further enacted*, That if any proprietor or proprietors ſhall own any part of ſaid ſwamp or bog meadow, which ſhall be drained by virtue of this act, and which does not come to the main ditch or ditches or any of them; then it ſhall and may be lawful for the owner or owners of ſuch lot or lots, to ditch through any lands ſituate between ſuch lot and the main ditch, in ſuch place or places as the ſaid inſpectors or a majority of them ſhall order and direct, paying the damages, if any therefor, to the ſaid owner, proprietor or occupant ſo damaged, to be aſcertained and ſettled by the ſaid inſpectors or a majority of them, upon application being made to them for that purpoſe by either party intereſted therein.

17 XI. *And be it further enacted*, That it ſhall and may be lawful for the proprietors, owners or occupants of any ſuch ſwamp or bog meadow, or a majority of them, at any time after the map or chart and return of the inſpectors appointed by virtue of this act is allowed of by the ſaid court and filed in the clerk's office as aforeſaid, if they deem it proper and for their intereſt, at their firſt meeting as aforeſaid, to chooſe any number of commiſſioners not exceeding three, who ſhall for one year thereafter, or until others are choſen in their place, exerciſe and diſcharge all the duties required of the ſaid inſpectors or a majority of them, in any of the preceding ſections of this act: And it ſhall be lawful for the proprietors or occupants, or a majority of them, at their annual meeting thereafter, to chooſe a like number to ſucceed the ſaid commiſſioners; and the ſaid proprietors and occupants, after they have ſo as aforeſaid choſen the ſaid commiſſioners, for the purpoſes aforeſaid, they ſhall cauſe a return thereof to be made and filed in the clerk's office of the ſaid county, and a notice thereof to be given to the inſpectors or a majority of them; then and in that caſe the

An ACT *for draining a certain Swamp and Bog Meadow in the County of Rockland.*

Passed March 20th, 1804.

WHEREAS there is a certain tract of swamp and bog meadow in the towns of Hempstead and Haverstraw, in the county of Rockland, owned by Benjamin Coe, Isaac Conklin, Benjamin Secor, Samuel W. Coe, Jonah Odell, and others, proprietors of said swamp, which is so far overflowed or drowned as to render the same unfit for agricultural purposes: *And whereas* the said proprietors of the said swamp and bog meadow conceive the same may be made fit for the culture of hemp, mowing and pasturage: Therefore,

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That John D. Coe, Halsted Gurnee, 1
and John Knapp, or any two of them, or the survivors or survivor of them, shall be inspectors to finally settle and determine the number of acres of swamp and bog meadow belonging to each proprietor or occupant in said tract which may, in their opinion, be benefitted by draining or ditching the same, which settlement and determination shall be delivered in writing to the treasurer hereafter to be chosen by virtue of this act.

II. *And be it further enacted*, That for the purpose of draining 2
the said swamp and bog meadow, a sum not exceeding three hundred dollars shall be paid by the proprietors and occupants thereof, in proportion to the number of acres they respectively own and possess, and that will be benefitted thereby, as settled by
said inspectors, which sum shall be paid to Benjamin Coe, 3
Samuel W. Coe and Jonah Odell, commissioners, to be by them applied in paying all incidental charges that shall arise in or about the business of draining said swamp or bog meadow, in such manner as they, or a majority of them, may think proper, by cutting or causing to be cut, one or more main ditch or ditches in such manner and in such direction as to the said commissioners, or a majority of them, shall appear best calculated to carry the design of this act into effect.

III. *And be it further enacted*, That each proprietor or occu- 4
pant shall, within one month after the said inspectors have settled and determined the respective proportions of the said sum, not exceeding three hundred dollars as aforesaid, pay the same to the said commissioners or either of them; and in default thereof it shall be lawful for the said commissioners or either of them, to recover the same by action of debt in any court have cognizance thereof, with interest and costs of suit.

IV. *And be it further enacted*, That for the defraying the 5
expense of clearing and scouring such main ditch or ditches as shall be made by the direction of the said commissioners for draining said swamp or bog meadow, the proprietors or occupants thereof for the time being, shall, for every acre, as settled by the said inspectors, pay such sum annually, not exceeding six cents, if a majority of them at their annual meeting shall think proper, to be computed from the first day of January, one thousand eight

ſaid ſwamp or bog meadow, who reſides within the ſaid county, and cauſe a copy of ſuch notice to be publiſhed at leaſt three weeks ſucceſſively, in one of the newſpapers printed in ſaid county where ſaid ſwamp or bog meadow is ſituate, which publication ſhall be taken and deemed a ſufficient notice to all and every proprietor or owner thereof, who do not reſide within the ſaid county, and ſuch day of meeting ſhall be their anniverſary day of meeting for chooſing their treaſurer and the commiſſioners herein after mentioned.

3 IX. *And be it further enacted*, That in caſe any proprietor or occupant ſhall neglect or refuſe to pay annually on the firſt day of May, ſuch ſum, not exceeding three cents per acre, as ſettled by ſaid inſpectors, the treaſurer for the time being may ſue for and recover the ſame before any juſtice of the peace in ſaid
4 county, with intereſt and coſts of ſuit; which treaſurer ſhall apply the money or ſuch part thereof as he may deem neceſſary to
5 clearing and ſcouring ſaid ditch or ditches; and who ſhall render an account of the ſame to the proprietors or occupants, at their next annual meeting, and the monies, if any, the papers and accounts relating to ſaid ſwamp and bog meadow, he ſhall then deliver over to his ſucceſſor in office.

6 X. *And be it further enacted*, That if any proprietor or proprietors ſhall own any part of ſaid ſwamp or bog meadow, which ſhall be drained by virtue of this act, and which does not come to the main ditch or ditches or any of them; then it ſhall and may be lawful for the owner or owners of ſuch lot or lots, to ditch through any lands ſituate between ſuch lot and the main ditch, in ſuch place or places as the ſaid inſpectors or a majority of them ſhall order and direct, paying the damages, if any therefor, to the ſaid owner, proprietor or occupant ſo damaged, to be aſcertained and ſettled by the ſaid inſpectors or a majority of them, upon application being made to them for that purpoſe by either party intereſted therein.

7 XI. *And be it further enacted*, That it ſhall and may be lawful for the proprietors, owners or occupants of any ſuch ſwamp or bog meadow, or a majority of them, at any time after the map or chart and return of the inſpectors appointed by virtue of this act is allowed of by the ſaid court and filed in the clerk's office as aforeſaid, if they deem it proper and for their intereſt, at their firſt meeting as aforeſaid, to chooſe any number of commiſſioners not exceeding three, who ſhall for one year thereafter, or until others are choſen in their place, exerciſe and diſcharge all the duties required of the ſaid inſpectors or a majority of them, in any of the preceding ſections of this act: And it ſhall be lawful for the proprietors or occupants, or a majority of them, at their annual meeting thereafter, to chooſe a like number to ſucceed the ſaid commiſſioners; and the ſaid proprietors and occupants, after they have ſo as aforeſaid choſen the ſaid commiſſioners, for the purpoſes aforeſaid, they ſhall cauſe a return thereof to be made and filed in the clerk's office of the ſaid county, and a notice thereof to be given to the inſpectors or a majority of them; then and in that caſe the

10. Line Ditches, proprietors wishing such, how to proceed.
1. Proprietors of swamps wishing them ditched, to petition court.
2. -------- To give notice of their intended application.
7. -------- To pay their proportions of money for ditching.
16. -------- How to proceed, where they want to continue a ditch to any main ditch through other lands.
13. Treasurer authorized to prosecute for sums due for scouring.
14. -------- How to apply monies when recovered.
15. -------- To render an account to the proprietors, &c.
19. Wallkill, part thereof, declared a public highway.
20. -------- Persons obstructing it, liable to a penalty, &c.

An ACT *making Provision for draining Swamps and Bog Meadows in the Counties of Orange and Dutchess.*

Passed April 9th, 1804.

WHEREAS there are large tracts of swamps and bog meadows in the counties of Orange and Dutchess, owned by different proprietors, which might be made fit for the culture of hemp, meadow and pasturage, which in their natural state are subject to be overflowed with water and rendered unfit for any kind of agricultural purposes: That the necessary provisions for draining the same may be more easily made than heretofore,

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That from and after the passing 1
of this act it shall and may be lawful for any one or more of the owners or proprietors of any such swamp or bog meadow in either of the said counties, who may be inclined to have the same ditched and drained for the purposes aforesaid, to present a petition to the judges and assistant justices of the court of common pleas in either of the said counties in which such swamp or bog meadow is situated, in which shall be set forth the names and places of residence of the proprietors of said swamp or bog meadow as particularly as he or they may know the same, and in which shall be set forth a general description of the situation of the said swamp and bog meadow to be drained, praying that inspectors may be appointed, not interested in said swamp or bog meadow, to settle and determine the number of acres which belong to each of the proprietors or occupants of the said tract, which, in their opinion, may be benefitted by ditching and draining the same: *Provided always*, That the said petitioner or peti- 2
tioners shall give at least six weeks notice in one of the newspapers printed in the county where said swamp or bog meadow is situated, to all persons interested therein, before he or they present such petition, of his or their intention to present the same to said court, which notice shall contain the time and place of the sitting of said court, and the substance of the petition aforesaid: And further, that he or they petitioning as aforesaid, shall, for the same length of time before the sitting of the said court to which said petition is presented, set up a copy of such notice on one of the outer doors of the court house in said county, and at three public places in the town in which such swamp or bog meadow is situated.

render it proper to lay out certain lots of larger or ſmaller ſizes than two hundred acres, it ſhall be lawful for him ſo to lay out ſuch lots; and further, that it ſhall be lawful for him to ſell all lots heretofore ſo laid out by him, any law to the contrary notwithſtanding.

6 VI. *And be it further enacted*, That the ſurveyor general, in leaſing the tract of land called Stedman's farm, on Niagara river, purſuant to the directions of the above recited act, ſhall reſerve out of the ſame ſo much thereof as the commiſſioners of the land office ſhall deem neceſſary and direct for the accommodation of the landing place; and further, that it ſhall be lawful for the ſurveyor general to lay out the aforeſaid farm into ſo many lots as he ſhall deem moſt advantageous to the people of this ſtate, and to leaſe the ſaid lots ſeparately purſuant to the directions of the above recited act.

7 VII. *And be it further enacted*, That the ſurveyor general ſhall lay out the ground at or near Black Rock, on the Niagara river, into ſtreets and houſe lots, and make report thereof to the legiſlature at their next meeting.

8 VIII. *And be it further enacted*, That the principal ſums due from the purchaſers of lands in the Cayuga, Oneida and Onondaga reſervations, ſold by the ſurveyor general in the year one thouſand eight hundred and three, ſhall be and are hereby made payable in four equal inſtalments, that is to ſay: the firſt on the firſt Tueſday in July, in the year one thouſand eight hundred and eight; the ſecond on the firſt Tueſday in July, in the year one thouſand eight hundred and nine; the third on the firſt Tueſday in July, one thouſand eight hundred and ten; the fourth and laſt on the firſt Tueſday in July, one thouſand eight hundred and eleven.

And whereas it is repreſented that in eſtabliſhing the right of the people of this ſtate to lands deemed to have become forfeited, as required in and by the act, entitled "An act to facilitate the diſcovery and ſale of the eſtates of attainted perſons," in order to entitle the diſcoverers of ſuch lands to the benefits intended by the ſaid act, it is difficult to aſcertain that the perſons by whoſe attainder or conviction ſuch lands are deemed to have become forfeited had not previouſly alienated the ſame: For remedy whereof,

9 IX. *Be it further enacted*, That before ſale ſhall be made of any ſuch forfeited eſtate, it ſhall be required that the perſon claiming the benefit of ſuch diſcovery give at leaſt eight weeks ſucceſſively notice in the newſpaper publiſhed by the printer to the ſtate, and in the newſpaper publiſhed neareſt to the lands ſo diſcovered, that he has made application to the ſurveyor general for the benefit of ſaid act in regard to ſuch lands, which lands ſhall be particularly deſcribed in ſuch notice; and ſhall alſo exhibit an affidavit made by two credible witneſſes having knowledge of ſuch lands, ſtating to whom the ſame have been and are reputed to belong, together with ſuch evidences as can be procured touching the title to ſaid lands, within three months after the paſſing of this act, or after his application made as aforeſaid;

VI. *And be it further enacted*, That in caſe the ſaid inſpectors 9
or their ſucceſſors, ſhall find it neceſſary to continue ſuch ditch or ditches, through lands adjoining any ſuch tracts of ſwamp or bog meadow, for the purpoſes of draining the ſame more effectually, then they are hereby authorized to agree and ſettle with the owner or owners of ſuch lands for ſuch damage, as is likely in their opinion to be ſuſtained by ſuch owner or owners, by reaſon of ſuch ditch or ditches, and to pay any ſuch ſum or ſums as ſhall be agreed on, out of the monies to be raiſed by virtue of this act in manner aforeſaid, for draining and ditching ſuch ſwamp or bog meadow: And if they cannot agree as aforeſaid, on application by the ſaid inſpectors or their ſucceſſors for that purpoſe, to the judges and aſſiſtant juſtices of the court of common pleas of ſaid county, or a majority of them not intereſted in the premiſes, they are hereby authorized and required to appoint three reputable freeholders in the ſaid county, not intereſted in the ſaid lands, to appraiſe and aſcertain what damages (if any) the ſaid owner or owners of ſuch land may probably ſuſtain, by means of ditching or draining ſuch ſwamp or bog meadow: And if the inſpectors or their ſucceſſors or a majority of them, judge it proper to pay ſuch appraiſement to the owner or owners, they may upon payment or tender thereof, proceed to cut or direct the cutting of ſuch ditch or ditches, as the ſaid inſpectors have reported to the ſaid court to be neceſſary as aforeſaid, any law to the contrary notwithſtanding.

VII. *And be it further enacted*, That any proprietor or occu- 10
pant who ſhall be deſirous of having one or more line ditches, ſhall give at leaſt thirty days notice of his intention, to the perſon or perſons owning or poſſeſſing the part or parts adjoining, and if after ſuch notice any perſon or perſons, ſhall neglect or refuſe to make one equal half or proportionate part of ſuch line ditch or ditches, the perſon ſo giving notice may proceed to cut ſuch ditch or ditches, and may proſecute and recover from the party ſo neglecting the one equal half or proportionate part of all the expenſes for cutting ſaid ditch or ditches in any court having cognizance thereof with coſts of ſuit.

VIII. *And be it further enacted*, That for defraying the ex- 11
penſes of clearing and ſcouring out the main and other ditches to be cut by virtue of this act, the proprietors and occupants or purchaſers of any lots ſold by virtue of this act for the time being, ſhall for every acre ſettled by the ſaid inſpectors, pay ſuch ſum annually, not exceeding three cents per acre, if a majority of the proprietors at their annual meeting hereafter directed, ſhall think proper, to be computed from the firſt day of May, in the year then next after ſuch ditch or ditches ſhall be completed according to the proviſions of this act; and to be paid to the treaſurer, to be appointed by a majority of the ſaid proprietors at their firſt meeting, to be held at the time and place directed by ſaid court at the time of making their order for filing their map and chart aforeſaid, of which time and place of meeting the 12
proprietor or proprietors, who preſented the petition aforeſaid to ſaid courts, ſhall give a notice in writing to every proprietor of

ſurveyor general to ſell in the manner directed in and by this act and the before recited acts, all lots of land belonging to the people of this ſtate which have heretofore been ſold and have ſince been forfeited by the purchaſers, by means of their non-compliance
18 with the terms of ſale: *Provided nevertheless*, That if any of the purchaſers of the ſaid lots who have paid a part of the purchaſe money, or their legal repreſentatives, ſhall within nine months after the paſſing of this act, pay into the treaſury of this ſtate the balance of the purchaſe money, with lawful intereſt, it ſhall be lawful for the ſurveyor general to execute conveyances for ſuch lots to the ſaid purchaſers, or their ſaid repreſentatives.

19 XIV. *And be it further enacted*, That it ſhall be and hereby is made the duty of the attorney general, to inſtitute ſuits for the recovery of the monies which may be due on mortgages depoſited in the office of the comptroller, given by perſons who have been attainted, and whoſe eſtates, by means of their attainder, have been
20 forfeited to the people of this ſtate; and alſo to examine whether any, and if any, what unpaid mortgages given to attained perſons may be found of record in the office of the clerks of any of the counties within this ſtate, and that he report thereon to the legiſlature at their next ſeſſion.

21 XV. *And be it further enacted*, That the powers of the late Onondaga commiſſioners be and the ſame are hereby revived, ſo far only as that it ſhall and may be lawful for them, at any time before the firſt day of January next, to complete all the awards that are made out and ready for ſigning: *Provided nevertheless*, That the ſaid commiſſioners ſhall not be entitled to any compenſation for any ſervices to be performed by them by virtue of this act.

22 XVI. *And be it further enacted*, That the ſixteenth ſection of the act, entitled "An act for the ſale of the unappropriated lands and for other purpoſes," paſſed on the ſixth day of April, one thouſand eight hundred and three, ſhall in no wiſe be ſo conſtrued as to limit or affect the privileges granted by an act, entitled "An act authorizing Robert Troup and his aſſociates to erect a dam acroſs the Seneca river." *Provided nevertheleſs*, That the ſaid dam be ſo conſtructed that fiſh may paſs the ſame, and that no obſtruction to the paſſage of boats up or down the ſtream of ſaid river, ſhall be formed therein, unleſs ſome other paſſage of equal facility be provided for ſuch boats, free from charge or expenſe, by land, on the part of the ſaid Robert Troup and his aſſociates, their heirs and aſſigns: *And provided also*, That this condition and reſtriction ſhall ceaſe and be void, whenever the preſident, directors and company of the weſtern inland lock navigation company, or any perſon by them authorized ſhall erect locks at the Seneca falls on ſaid river, in purſuance of their charter.

23 XVII. *And be it further enacted*, That the time for the payment of the intereſt which became due from the purchaſers of lands, in the Oneida, Cayuga and Onondaga reſervations, on the firſt of February laſt, by the act, entitled "An act for the relief of the purchaſers of lands, in the Cayuga, Oneida and On-

10. Line Ditches, proprietors wishing such, how to proceed.
1. Proprietors of swamps wishing them ditched, to petition court.
2. -------- To give notice of their intended application.
7. -------- To pay their proportions of money for ditching.
16. -------- How to proceed, where they want to continue a ditch to any main ditch through other lands.
13. Treasurer authorized to prosecute for sums due for scouring.
14. -------- How to apply monies when recovered.
15. -------- To render an account to the proprietors, &c.
19. Wallkill, part thereof, declared a public highway.
20. -------- Persons obstructing it, liable to a penalty, &c.

An ACT *making Provision for draining Swamps and Bog Meadows in the Counties of Orange and Dutchess.*

Paſſed April 9th, 1804.

WHEREAS there are large tracts of ſwamps and bog meadows in the counties of Orange and Dutcheſs, owned by different proprietors, which might be made fit for the culture of hemp, meadow and paſturage, which in their natural ſtate are ſubject to be overflowed with water and rendered unfit for any kind of agricultural purpoſes: That the neceſſary proviſions for draining the ſame may be more eaſily made than heretofore,

I. BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That from and after the paſſing 1
of this act it ſhall and may be lawful for any one or more of the owners or proprietors of any ſuch ſwamp or bog meadow in either of the ſaid counties, who may be inclined to have the ſame ditched and drained for the purpoſes aforeſaid, to preſent a petition to the judges and aſſiſtant juſtices of the court of common pleas in either of the ſaid counties in which ſuch ſwamp or bog meadow is ſituated, in which ſhall be ſet forth the names and places of reſidence of the proprietors of ſaid ſwamp or bog meadow as particularly as he or they may know the ſame, and in which ſhall be ſet forth a general deſcription of the ſituation of the ſaid ſwamp and bog meadow to be drained, praying that inſpectors may be appointed, not intereſted in ſaid ſwamp or bog meadow, to ſettle and determine the number of acres which belong to each of the proprietors or occupants of the ſaid tract, which, in their opinion, may be benefitted by ditching and draining the ſame: *Provided always*, That the ſaid petitioner or peti- 2
tioners ſhall give at leaſt ſix weeks notice in one of the newſpapers printed in the county where ſaid ſwamp or bog meadow is ſituated, to all perſons intereſted therein, before he or they preſent ſuch petition, of his or their intention to preſent the ſame to ſaid court, which notice ſhall contain the time and place of the ſitting of ſaid court, and the ſubſtance of the petition aforeſaid: And further, that he or they petitioning as aforeſaid, ſhall, for the ſame length of time before the ſitting of the ſaid court to which ſaid petition is preſented, ſet up a copy of ſuch notice on one of the outer doors of the court houſe in ſaid county, and at three public places in the town in which ſuch ſwamp or bog meadow is ſituated.

and have ſince made improvements and actual ſettlements thereon to the value of fifty dollars, ſhall be and are hereby entitled to the ſame remiſſion of intereſt as though they had been actual ſettlers at the time of paſſing the ſaid act: *Provided*, That ſatisfactory proof thereof be produced to the comptroller, within ſix months after the paſſing of this act: *And provided further*, That Peter Smith, and owners of land deriving title under him, ſhall not be included within the purview of this act, nor entitled to its benefit.

28 XXII. *And be it further enacted*, That the act, entitled "An act to revive the third clauſe of an act, concerning quit rents," paſſed 8th April, 1801, and extending the time for the remiſſion and commutation of certain quit rents, paſſed the 5th April, 1802, ſhall be and the ſame is hereby revived and extended to the firſt Tueſday of January next.

Bridges.

CHAP. XVI.

Contents.

3. Commissioners for receiving subscriptions, named---their duty.
1. Company allowed a further time for completing road and bridge.
5. Damages sustained by certain persons, to be ascertained and paid.
2. Stock increased.---4. Forfeitures for non-payment.

An ACT *supplementary to the Act, entitled "An Act for building a Bridge over Flushing Creek, constructing a Road and establishing a Turnpike between Flushing and Newtown, in the County of Queens," passed the* 21*st March*, 1801.

Paſſed March 20th, 1804.

WHEREAS the Flushing and Newtown turnpike, bridge and road company have, by their petition, among other things, prayed that the time limited for completing the ſaid bridge and cauſeway and having the ſame inſpected, may be extended to the twenty-firſt of March, one thouſand eight hundred and ſix, and that they will have occaſion for a further ſum of money to complete the ſaid bridge and road: Therefore,

1. BE *it enacted by the People of the State of New-York, repre-*
1 *ſented in Senate and Aſſembly*, That the time limited for the building and completing the ſaid bridge and road, and inſpecting the ſame, be and the ſame is hereby extended to the twenty-firſt day of March, which will be in the year of our Lord one thouſand eight hundred and ſix.

2 II. *And be it further enacted*, That the capital ſtock of the ſaid Flushing and Newtown turnpike, bridge and road company, be increaſed one hundred ſhares, each of the value of twenty-five
3 dollars; and that Samuel Riker, Robert Moore and David Gardiner ſhall be and are hereby appointed commiſſioners for taking ſubſcriptions; and each of the ſaid commiſſioners ſhall, on or

VI. *And be it further enacted*, That in caſe the ſaid inſpectors 9
or their ſucceſſors, ſhall find it neceſſary to continue ſuch ditch or ditches, through lands adjoining any ſuch tracts of ſwamp or bog meadow, for the purpoſes of draining the ſame more effectually, then they are hereby authorized to agree and ſettle with the owner or owners of ſuch lands for ſuch damage, as is likely in their opinion to be ſuſtained by ſuch owner or owners, by reaſon of ſuch ditch or ditches, and to pay any ſuch ſum or ſums as ſhall be agreed on, out of the monies to be raiſed by virtue of this act in manner aforeſaid, for draining and ditching ſuch ſwamp or bog meadow: And if they cannot agree as aforeſaid, on application by the ſaid inſpectors or their ſucceſſors for that purpoſe, to the judges and aſſiſtant juſtices of the court of common pleas of ſaid county, or a majority of them not intereſted in the premiſes, they are hereby authorized and required to appoint three reputable freeholders in the ſaid county, not intereſted in the ſaid lands, to appraiſe and aſcertain what damages (if any) the ſaid owner or owners of ſuch land may probably ſuſtain, by means of ditching or draining ſuch ſwamp or bog meadow: And if the inſpectors or their ſucceſſors or a majority of them, judge it proper to pay ſuch appraiſement to the owner or owners, they may upon payment or tender thereof, proceed to cut or direct the cutting of ſuch ditch or ditches, as the ſaid inſpectors have reported to the ſaid court to be neceſſary as aforeſaid, any law to the contrary notwithſtanding.

VII. *And be it further enacted*, That any proprietor or occu- 10
pant who ſhall be deſirous of having one or more line ditches, ſhall give at leaſt thirty days notice of his intention, to the perſon or perſons owning or poſſeſſing the part or parts adjoining, and if after ſuch notice any perſon or perſons, ſhall neglect or refuſe to make one equal half or proportionate part of ſuch line ditch or ditches, the perſon ſo giving notice may proceed to cut ſuch ditch or ditches, and may proſecute and recover from the party ſo neglecting the one equal half or proportionate part of all the expenſes for cutting ſaid ditch or ditches in any court having cognizance thereof with coſts of ſuit.

VIII. *And be it further enacted*, That for defraying the ex- 11
penſes of clearing and ſcouring out the main and other ditches to be cut by virtue of this act, the proprietors and occupants or purchaſers of any lots ſold by virtue of this act for the time being, ſhall for every acre ſettled by the ſaid inſpectors, pay ſuch ſum annually, not exceeding three cents per acre, if a majority of the proprietors at their annual meeting hereafter directed, ſhall think proper, to be computed from the firſt day of May, in the year then next after ſuch ditch or ditches ſhall be completed according to the proviſions of this act; and to be paid to the treaſurer, to be appointed by a majority of the ſaid proprietors at their firſt meeting, to be held at the time and place directed by ſaid court at the time of making their order for filing their map and chart aforeſaid, of which time and place of meeting the 12
proprietor or proprietors, who preſented the petition aforeſaid to ſaid courts, ſhall give a notice in writing to every proprietor of

ſaid ſwamp or bog meadow, who reſides within the ſaid county, and cauſe a copy of ſuch notice to be publiſhed at leaſt three weeks ſucceſſively, in one of the newſpapers printed in ſaid county where ſaid ſwamp or bog meadow is ſituate, which publication ſhall be taken and deemed a ſufficient notice to all and every proprietor or owner thereof, who do not reſide within the ſaid county, and ſuch day of meeting ſhall be their anniverſary day of meeting for choofing their treaſurer and the commiſſioners herein after mentioned.

13 IX. *And be it further enacted*, That in caſe any proprietor or occupant ſhall neglect or refuſe to pay annually on the firſt day of May, ſuch ſum, not exceeding three cents per acre, as ſettled by ſaid inſpectors, the treaſurer for the time being may ſue for and recover the ſame before any juſtice of the peace in ſaid
14 county, with intereſt and coſts of ſuit; which treaſurer ſhall apply the money or ſuch part thereof as he may deem neceſſary to
15 clearing and ſcouring ſaid ditch or ditches; and who ſhall render an account of the ſame to the proprietors or occupants, at their next annual meeting, and the monies, if any, the papers and accounts relating to ſaid ſwamp and bog meadow, he ſhall then deliver over to his ſucceſſor in office.

16 X. *And be it further enacted*, That if any proprietor or proprietors ſhall own any part of ſaid ſwamp or bog meadow, which ſhall be drained by virtue of this act, and which does not come to the main ditch or ditches or any of them; then it ſhall and may be lawful for the owner or owners of ſuch lot or lots, to ditch through any lands ſituate between ſuch lot and the main ditch, in ſuch place or places as the ſaid inſpectors or a majority of them ſhall order and direct, paying the damages, if any therefor, to the ſaid owner, proprietor or occupant ſo damaged, to be aſcertained and ſettled by the ſaid inſpectors or a majority of them, upon application being made to them for that purpoſe by either party intereſted therein.

17 XI. *And be it further enacted*, That it ſhall and may be lawful for the proprietors, owners or occupants of any ſuch ſwamp or bog meadow, or a majority of them, at any time after the map or chart and return of the inſpectors appointed by virtue of this act is allowed of by the ſaid court and filed in the clerk's office as aforeſaid, if they deem it proper and for their intereſt, at their firſt meeting as aforeſaid, to choofe any number of commiſſioners not exceeding three, who ſhall for one year thereafter, or until others are chofen in their place, exerciſe and diſcharge all the duties required of the ſaid inſpectors or a majority of them, in any of the preceding ſections of this act: And it ſhall be lawful for the proprietors or occupants, or a majority of them, at their annual meeting thereafter, to choofe a like number to ſucceed the ſaid commiſſioners; and the ſaid proprietors and occupants, after they have ſo as aforeſaid chofen the ſaid commiſſioners, for the purpoſes aforeſaid, they ſhall cauſe a return thereof to be made and filed in the clerk's office of the ſaid county, and a notice thereof to be given to the inſpectors or a majority of them; then and in that caſe the

powers given by this act to the said inspectors, shall thereafter cease and be no further executed.

XII. *And be it further enacted*, That the said inspectors appointed by virtue of this act, shall be entitled to receive two dollars per day, for every day each inspector shall be necessarily employed in and about the premises, and the said court, for allowing and entering every such return of said inspectors, shall be entitled to receive two dollars; and the clerk of the said court shall be entitled to receive such fees as are allowed for like services in other cases, which fees shall be paid out of the monies to be raised by virtue of this act, for draining any such swamp or bog meadow. 18

XIII. *And be it further enacted*, That so much of the stream of water in the county of Orange, called the Wallkill, as lies between the line of the state of New-Jersey, and a line to be run directly across the said stream one rod above the first eel weir, below the outlet bridge, shall be and the same is hereby declared to be a common and public highway. 19

XIV. *And be it further enacted*, That if any person shall after the passing of this act, dam up or obstruct the before described waters, by erecting or placing any eel or fish weirs, or by building any other work, or repairing any weirs that may be now erected in said Wallkill, or by cutting or felling wood or timber in the same, every person so offending, shall forfeit for each offence the sum of twenty-five dollars, to be recovered with costs of suit, by and for the use of any person who will sue for the same before any justice of the peace in and for said county, and the person so offending shall moreover be deemed guilty of a misdemeanor, and be prosecuted accordingly by indictment. 20

XV. *And be it further enacted*, That this act shall be and hereby is declared to be a public act. 21

Lands.

CHAP. LXI.

An ACT *relative to certain Lands held in Trust by the late Peter Remsen.*

Passed April 5th, 1804.

WHEREAS the following lots of land, situate in the county of Herkimer, distinguished in a certain indenture bearing date the eighteenth day of September, one thousand seven hundred and sixty-five, made between Hans Dedrick Staley and others of the first part, and Peter Remsen, then of the city of New-York, merchant, of the second part, by lot number ten in first tract and lot number one in second tract, were thereby granted to the said Peter Remsen and to his heirs, in trust, for the use of the said patentees, to be by the said Peter Remsen sold for the paying the quit rents due or to become due upon the said patent or tract of land, in conformity to the provisions con-

tained in the ſaid indenture: *And whereas* the ſaid Peter Remſen is ſince deceaſed, leaving the ſaid quit rents due and unpaid, and the ſaid lands unſold, and legiſlative interference having been prayed for in the premiſes: Therefore,

I. BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That it ſhall and may be lawful for the heir or heirs of the ſaid Peter Remſen, and for any other perſon or perſons in whom the ſaid truſt eſtate is veſted, to convey and transfer the ſaid truſt eſtate to Michael Itigh, John Frank and Rudolph Steal, of the town of German-Flatts, in the ſaid county of Herkimer, and to their heirs, to be held by the ſaid Michael Itigh, John Frank and Rudolph Steal, and their heirs, to and for the uſes in and by the ſaid indenture aforeſaid particularly ſpecified and intended, and to and for no other uſe whatſoever, together with all the rights and privileges incident to the ſaid truſt.

II. *And be it further enacted*, That it ſhall and may be lawful to and for the ſaid Michael Itigh, John Frank and Rudolph Steal, and their heirs, after being veſted with ſuch truſt, to inſtitute ſuits, and to proſecute the ſame to judgment and execution, for any treſpaſſes committed by any perſon or perſons whomſoever on the ſaid truſt eſtate antecedent to the paſſing of this act.

CHAP. CXI.

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19. Attorney-Gen. to prosecute for monies due on certain mortgages.
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22. Troup, Robert, certain act not to be construed to his prejudice.
4. Wright, E. and D. Masters, a certain carrying place to be leased to.

An ACT *relative to unappropriated and forfeited Lands, and for other Purposes.*

Passed April 11th, 1804.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That whenever the surveyor 1
general shall have exposed to sale any lots of the unappropriated lands of this state, in pursuance of the act, entitled "An act for the sale of the unappropriated lands, and for other purposes," passed the sixth day of April, one thousand eight hundred and three, and any of such lots shall remain unsold, it shall be lawful for the commissioners of the land office to grant letters patent to such persons respectively, as shall thereafter first make application for any of the said lots, and paying therefor the minimum price affixed to them in pursuance of the said act, in the manner therein prescribed: *Provided*, That no person shall be considered as an applicant unless he shall have made the first payment required by the said act: *And provided further*, That no one applicant shall be entitled to a grant of more than two lots.

II. *And be it further enacted*, That all public sales of lands be- 2
longing to the people of this state, hereafter to be made by the surveyor general, shall be held in the city of Albany, unless otherwise directed by the commissioners of the land office.

III. *And be it further enacted*, That the lands belonging to the 3
people of this state at Point Au-Fer, in the county of Clinton, all the lands in the military tract commonly called the hundred acre lots, all the reserved lots other than those appropriated for the use of the gospel, schools and literature, and all the unpatented lands lying between the Chenango and Owego rivers in the said tract, shall be considered as unappropriated lands, and as such be subject to be disposed of according to the directions of this and the aforesaid act.

IV. *And be it further enacted*, That it shall and may be lawful 4
for the surveyor general to lease to Ebenezer Wright and Daniel Masters, and their assigns, the carrying place at the Oswego falls, and the land adjoining thereto, belonging to the people of this state, for the term of ten years from the passing of this act, they paying therefor yearly and every year, into the treasury of this state, the sum of forty dollars, and there shall be inserted in the said lease, and the counterpart to be executed by the said lessees, the usual covenants of distress for rent and of re-entry: *Provided always*, That nothing in this act contained shall be deemed to prevent any of the citizens of this state from using the said carrying place, and transporting across the same as a public highway from the usual place of taking boats out of the river, to the usual place where they are put into the water again, so far as the land belonging to the people of the state extends.

V. *And be it further enacted*, That whenever local circum- 5
stances and situation shall, in the opinion of the surveyor general,

render it proper to lay out certain lots of larger or ſmaller ſizes than two hundred acres, it ſhall be lawful for him ſo to lay out ſuch lots; and further, that it ſhall be lawful for him to ſell all lots heretofore ſo laid out by him, any law to the contrary notwithſtanding.

VI. *And be it further enacted*, That the ſurveyor general, in leaſing the tract of land called Stedman's farm, on Niagara river, purſuant to the directions of the above recited act, ſhall reſerve out of the ſame ſo much thereof as the commiſſioners of the land office ſhall deem neceſſary and direct for the accommodation of the landing place; and further, that it ſhall be lawful for the ſurveyor general to lay out the aforeſaid farm into ſo many lots as he ſhall deem moſt advantageous to the people of this ſtate, and to leaſe the ſaid lots ſeparately purſuant to the directions of the above recited act.

VII. *And be it further enacted*, That the ſurveyor general ſhall lay out the ground at or near Black Rock, on the Niagara river, into ſtreets and houſe lots, and make report thereof to the legiſlature at their next meeting.

VIII. *And be it further enacted*, That the principal ſums due from the purchaſers of lands in the Cayuga, Oneida and Onondaga reſervations, ſold by the ſurveyor general in the year one thouſand eight hundred and three, ſhall be and are hereby made payable in four equal inſtalments, that is to ſay: the firſt on the firſt Tueſday in July, in the year one thouſand eight hundred and eight; the ſecond on the firſt Tueſday in July, in the year one thouſand eight hundred and nine; the third on the firſt Tueſday in July, one thouſand eight hundred and ten; the fourth and laſt on the firſt Tueſday in July, one thouſand eight hundred and eleven.

And whereas it is repreſented that in eſtabliſhing the right of the people of this ſtate to lands deemed to have become forfeited, as required in and by the act, entitled "An act to facilitate the diſcovery and ſale of the eſtates of attainted perſons," in order to entitle the diſcoverers of ſuch lands to the benefits intended by the ſaid act, it is difficult to aſcertain that the perſons by whoſe attainder or conviction ſuch lands are deemed to have become forfeited had not previouſly alienated the ſame: For remedy whereof,

IX. *Be it further enacted*, That before ſale ſhall be made of any ſuch forfeited eſtate, it ſhall be required that the perſon claiming the benefit of ſuch diſcovery give at leaſt eight weeks ſucceſſively notice in the newſpaper publiſhed by the printer to the ſtate, and in the newſpaper publiſhed neareſt to the lands ſo diſcovered, that he has made application to the ſurveyor general for the benefit of ſaid act in regard to ſuch lands, which lands ſhall be particularly deſcribed in ſuch notice; and ſhall alſo exhibit an affidavit made by two credible witneſſes having knowledge of ſuch lands, ſtating to whom the ſame have been and are reputed to belong, together with ſuch evidences as can be procured touching the title to ſaid lands, within three months after the paſſing of this act, or after his application made as aforeſaid;

and in cafe of his neglecting fo to do, he fhall be deemed to have forfeited his right to the benefit intended by faid act; and if, in the opinion of the attorney general, the title to fuch lands is fufficiently proven to be in the people of this ftate, he fhall give a certificate thereof to the furveyor general, who fhall thereupon proceed to fell fuch lands as in and by the faid act is directed.

X. *And be it further enacted*, That the furveyor general fhall, 10
from time to time, report to the comptroller all the fales that fhall have been made of forfeited lands as aforefaid, together with the names of the perfons refpectively entitled to the benefit of fuch difcoveries, whereupon it fhall be lawful for the comptrol- 11
ler to draw warrants on the treafurer in favor of fuch perfons for fuch proportions of the monies actually paid into the treafury as they fhall refpectively be entitled to by virtue of the faid act, he 12
firft taking from each of them fuch fecurity as he fhall deem fufficient for the repayment of fuch monies, with intereft, to the ftate, in cafe the title given by the furveyor general in behalf of the people of this ftate, for the lands on the fale of which fuch monies may be received, fhall at any time thereafter be defeated: *Provided always*, That no perfon deriving his knowledge of 13
any forfeited lands from records, or other documents filed or depofited in any public office within this ftate, or from any perfon who has been or may be employed either as a principal or clerk in any fuch office, fhall be entitled to any benefit for the difcovery of fuch forfeited lands, purfuant to the directions of the laft above recited act, made after the firft day of October next.

XI. *And be it further enacted*, That it fhall be the duty of the 14
attorney general, and he is hereby authorized, to caufe partition to be made of fuch tracts of land as are held in joint tenancy or tenancy in common, in which the people of this ftate are interefted, and for that purpofe to do all fuch acts as any joint tenant or tenant in common is authorized to do by virtue of the act, entitled "An act for the partition of lands: *Provided*, That in 15
every cafe in which the furveyor general, with the advice of the attorney general fhall judge it for the intereft of the people of this ftate to fell their right in any fuch lands without a partition thereof previoufly made, the furveyor general fhall fo fell the fame.

And whereas it appears to the legiflature, by the report of the furveyor general that the permiffion given to Samuel Meffenger, by the act, entitled "An act for the fale of the unappropriated lands, and for other purpofes," paffed the fixth day of April, one thoufand eight hundred and three, to erect a dam acrofs the Chittenengo creek, may materially injure the lands of the people of this ftate, by means of the overflowing of the water of the faid creek: For remedy whereof,

XII. *Be it further enacted*, That it fhall be lawful for the com- 16
miffioners of the land office to grant unto the faid Samuel Meffenger, in addition to the lands mentioned in the above recited act, fuch other lands as may be liable to be fo overflowed, upon fuch terms as the faid commiffioners fhall deem reafonable.

XIII. *And be it further enacted*, That it fhall be the duty of the 17

ſurveyor general to ſell in the manner directed in and by this act and the before recited acts, all lots of land belonging to the people of this ſtate which have heretofore been ſold and have ſince been forfeited by the purchaſers, by means of their non-compliance
8 with the terms of ſale: *Provided nevertheless*, That if any of the purchaſers of the ſaid lots who have paid a part of the purchaſe money, or their legal repreſentatives, ſhall within nine months after the paſſing of this act, pay into the treaſury of this ſtate the balance of the purchaſe money, with lawful intereſt, it ſhall be lawful for the ſurveyor general to execute conveyances for ſuch lots to the ſaid purchaſers, or their ſaid repreſentatives.

9 XIV. *And be it further enacted*, That it ſhall be and hereby is made the duty of the attorney general, to inſtitute ſuits for the recovery of the monies which may be due on mortgages depoſited in the office of the comptroller, given by perſons who have been attainted, and whoſe eſtates, by means of their attainder, have been
0 forfeited to the people of this ſtate; and alſo to examine whether any, and if any, what unpaid mortgages given to attained perſons may be found of record in the office of the clerks of any of the counties within this ſtate, and that he report thereon to the legiſlature at their next ſeſſion.

1 XV. *And be it further enacted*, That the powers of the late Onondaga commiſſioners be and the ſame are hereby revived, ſo far only as that it ſhall and may be lawful for them, at any time before the firſt day of January next, to complete all the awards that are made out and ready for ſigning: *Provided nevertheless*, That the ſaid commiſſioners ſhall not be entitled to any compenſation for any ſervices to be performed by them by virtue of this act.

2 XVI. *And be it further enacted*, That the ſixteenth ſection of the act, entitled "An act for the ſale of the unappropriated lands and for other purpoſes," paſſed on the ſixth day of April, one thouſand eight hundred and three, ſhall in no wiſe be ſo conſtrued as to limit or affect the privileges granted by an act, entitled "An act authorizing Robert Troup and his aſſociates to erect a dam acroſs the Seneca river." *Provided nevertheless*, That the ſaid dam be ſo conſtructed that fiſh may paſs the ſame, and that no obſtruction to the paſſage of boats up or down the ſtream of ſaid river, ſhall be formed therein, unleſs ſome other paſſage of equal facility be provided for ſuch boats, free from charge or expenſe, by land, on the part of the ſaid Robert Troup and his aſſociates, their heirs and aſſigns: *And provided also*, That this condition and reſtriction ſhall ceaſe and be void, whenever the preſident, directors and company of the weſtern inland lock navigation company, or any perſon by them authorized ſhall erect locks at the Seneca falls on ſaid river, in purſuance of their charter.

3 XVII. *And be it further enacted*, That the time for the payment of the intereſt which became due from the purchaſers of lands, in the Oneida, Cayuga and Onondaga reſervations, on the firſt of February laſt, by the act, entitled "An act for the relief of the purchaſers of lands, in the Cayuga, Oneida and On-

Onondaga reservations," passed the twenty-eighth day of March, one thousand eight hundred and three, shall be extended until the first Tuesday of September next, and that the purchasers who pay the interest by that time, shall have the same time for the payment of the principal as is given by the second section of the act above recited, and that the comptroller shall stay all prosecutions against the said purchasers, until the first Tuesday of September next.

XVIII. *And be it further enacted*, That all such persons as shall 24
by paying in addition to what they have heretofore paid as interest, pay two years and eight months interest on their respective mortgages on land in the late Onondaga reservation, on or before the first Tuesday in July next, and shall pay all the interest then remaining in arrear, in three equal payments, on the first Tuesdays in July, in the years one thousand eight hundred and five, one thousand eight hundred and six, and thousand eight hundred and seven, with the interest of each respective year as the same shall become due, in the three said years, said persons shall be entitled to all the benefits and privileges granted in and by the act, entitled "An act for the relief of the purchasers of lands in the Cayuga, Oneida and Onondaga reservations," passed the twenty-eighth day of March, one thousand eight hundred and three.

XIX. *And be it further enacted*, That the surveyor general 25
shall be and he is hereby authorized and directed to lease for the term of twenty-one years, from and after the passing of this act, at the rate of six cents per annum, unto the society for the relief of distressed women and children in this city, and to their successors in office, for the sole use of erecting a school house thereon, a lot of ground on the southwesterly end or corner of the lot belonging to the people of this state, in this city, on which the building for the public offices is erected, which lot so to be leased, shall be bounded as follows: Beginning at the intersection of Lodge and Nail streets, thence northeasterly on Lodge-street thirty-four feet; thence northwesterly to the line of George Merchant's lot; thence on the last mentioned line southwesterly to Nail-street, and thence southwesterly on Nail-street to the place of beginning, which lease shall be signed by the surveyor general on the part of the people of this state.

XX. *And be it further enacted*, That it shall be lawful for the 26
commissioners of the land office to direct sales to be made of the unappropriated lands lying between the Cheesecocks patent and the line of New-Jersey, and in the counties of Greene and Schoharie, in such parcels as they shall judge best for the interest of the state, without causing them to be run out into lots of the dimensions prescribed for the other unappropriated lands.

XXI. *And be it further enacted*, That all such persons as were 27
purchasers and actual owners of land in the late Oneida, Cayuga and Onondaga reservations, on the 3d April, 1801, and who did not avail themselves of the benefit of the act, entitled "An act for the relief of the purchasers of lands in the late Oneida, Onondaga and Cayuga reservations," passed the 3d April, 1801,

and have ſince made improvements and actual ſettlements thereon to the value of fifty dollars, ſhall be and are hereby entitled to the ſame remiſſion of intereſt as though they had been actual ſettlers at the time of paſſing the ſaid act: *Provided*, That ſatisfactory proof thereof be produced to the comptroller, within ſix months after the paſſing of this act: *And provided further*, That Peter Smith, and owners of land deriving title under him, ſhall not be included within the purview of this act, nor entitled to its benefit.

8 XXII. *And be it further enacted*, That the act, entitled "An act to revive the third clauſe of an act, concerning quit rents," paſſed 8th April, 1801, and extending the time for the remiſſion and commutation of certain quit rents, paſſed the 5th April, 1802, ſhall be and the ſame is hereby revived and extended to the firſt Tueſday of January next.

Bridges.

CHAP. XVI.

CONTENTS.

3. Commissioners for receiving subscriptions, named---their duty.
1. Company allowed a further time for completing road and bridge.
5. Damages sustained by certain persons, to be ascertained and paid.
2. Stock increased.---4. Forfeitures for non-payment.

An ACT *supplementary to the Act, entitled "An Act for building a Bridge over Flushing Creek, constructing a Road and establishing a Turnpike between Flushing and Newtown, in the County of Queens," passed the* 21*st March*, 1801.

Paſſed March 20th, 1804.

WHEREAS the Fluſhing and Newtown turnpike, bridge and road company have, by their petition, among other things, prayed that the time limited for completing the ſaid bridge and cauſeway and having the ſame inſpected, may be extended to the twenty-firſt of March, one thouſand eight hundred and ſix, and that they will have occaſion for a further ſum of money to complete the ſaid bridge and road: Therefore,

I. BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That the time limited for the building and completing the ſaid bridge and road, and inſpecting the ſame, be and the ſame is hereby extended to the twenty-firſt day of March, which will be in the year of our Lord one thouſand eight hundred and ſix.

II. *And be it further enacted*, That the capital ſtock of the ſaid Fluſhing and Newtown turnpike, bridge and road company, be increaſed one hundred ſhares, each of the value of twenty-five dollars; and that Samuel Riker, Robert Moore and David Gardiner ſhall be and are hereby appointed commiſſioners for taking ſubſcriptions; and each of the ſaid commiſſioners ſhall, on or

before the first day of July next, provide himself with books, and open the same for subscription in the same manner as is directed in the said first mentioned act, and shall continue them open from day to day, until the whole number of one hundred shares are subscribed for, and in the same manner, and subject to the same terms and regulations as are directed and set forth in the said first above mentioned act.

III. *And be it further enacted*, That from and after the passing 4
of this act, any subscriber or stockholder in the said company, neglecting or refusing to pay all or any part of the several sums of money hereafter to be subscribed by them, for the space of fourteen days after notice having been published in two of the public newspapers printed in the city of New-York from the president of the said company, that the same is due and unpaid, shall forfeit to the use of the said company, all the monies previously paid on account of such share or shares respectively, in payment whereof such default shall be made, together with all right, title, interest, emolument, claim and demand whatsoever, of, in and to the funds and profits arising or to arise therefrom by reason of such forfeited share or shares: *And whereas* there are certain persons who are the owners of certain stores and wharves situated above the said bridge, on the Flushing creek, who have been considerably injured by the building of the said bridge:

IV. *Be it therefore enacted*, That the president and directors of 5
the said company be and they are hereby authorized to ascertain the amount of such damage, by agreement with such person or persons as may have been so injured, on or before the first day of July next; and upon the same being so ascertained, to pay to such person or persons the amount thereof.

CHAP. XVIII.

Contents.

3. Commissioners for building a bridge, named, &c.
4. -------- Authorized to borrow a sum of money...5. To give bond.
1. Surveyor General directed to sell lands in Benson.
2. Treasurer, when to pay a certain sum of money.

An ACT *to enable the Inhabitants of Benson, in the County of Montgomery, to erect a Bridge over West Stony Creek.*

Passed March 20th, 1804.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the surveyor general 1
of this state, shall be and hereby is authorized and directed to sell at private sale, not exceeding six of the lots in Benson in the county of Montgomery, which were put up at vendue and not sold, or which were forfeited by non-compliance with the terms of sale, and which still belong to the people of this state, to such persons as shall apply for the same, at such price as he shall think them reasonably worth, and on the terms of payment and conditions fixed by the act, entitled "An act concerning the

commissioners of the land office and the settlement of lands," passed the twenty-fourth day of March, one thousand eight hundred and one: *Provided*, That no lot shall be sold for less than one dollar per acre: *And provided also*, That nothing in the act above recited, shall be construed to prevent the immediate payment of the whole money, should the applicant or applicants be disposed to make such payment.

II. *And be it further enacted*, That as soon as a sufficient sum arising from the sale of the said lots shall be paid into the treasury, it shall be the duty of the treasurer on the warrant of the comptroller, which he is hereby directed to issue, to pay into the hands of Squire Maxwell and Bartholomew Dodds, who are hereby appointed commissioners for the purpose, the sum of five hundred dollars, to be expended by them in erecting a bridge over West Stony creek, at such place as in their judgment will best accommodate the inhabitants of Benson.

III. *And be it further enacted*, That it shall be lawful for the aforesaid commissioners to borrow the said sum of five hundred dollars, at an interest of seven per cent per annum, to be repaid, both principal and interest, out of the first monies that shall come into the treasury from the sale of the lots aforesaid.

IV. *And be it further enacted*, That the comptroller, before he issues his warrant aforesaid, shall take a bond from the said commissioners to the people of this state, jointly and severally, in the penal sum of one thousand dollars, conditioned for the faithful performance of the trust reposed in them, which bond shall be cancelled or surrendered up to them as soon as the bridge is completed, upon their rendering a satisfactory account to the comptroller of the expenditure of the said money.

CHAP. XLIV.

An ACT *relative to Bridges across the Creek commonly called Roelif Janse's Kill, in the County of Columbia.*

Passed April 3d, 1804.

WHEREAS the town of Clermont is bounded for a considerable extent on the south side of the creek commonly called Roelif Janse's Kill, on which there are many and expensive bridges, and at present most of them much out of repair: *And whereas* there is at present no existing law directing in what manner such bridges shall be put and kept in good and sufficient repair where the town of Clermont is for the greater part bounded by the south side of said creek, on the town of Livingston: *And whereas* the bridges across said creek are as well of utility to the inhabitants of Germantown as to the inhabitants of the towns of Livingston and Clermont: Therefore,

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That all the bridges now built across the said creek, commonly called Roelif Janse's Kill, from where said creek empties into Hudson's river to the mills of Robert R. Livingston, Esquire, at the village of Pleasant Vale, including a

bridge erected on a branch of ſaid creek, near the dwelling houſe of Philip Faller, all which bridges the commiſſioners of highways for the towns of Livingſton, Clermont, and Germantown, for the time being, are hereby required to cauſe to be put and kept in good and ſufficient repair, at the expenſe of the ſaid towns of Livingſton, Clermont and Germantown; and an account of the expenſes attending the ſame ſhall be, by the commiſſioners of highways for ſaid towns, or by either of them, tranſmitted to the ſuperviſors of the county of Columbia, at their annual meeting, who are hereby required and directed to divide the whole amount of ſuch expenſes between the ſaid towns of Livingſton, Clermont and Germantown, in proportion to the valuation of taxable property in the ſaid towns, and cauſe the ſame, by their warrant or warrants, to be levied and collected from the freeholders and taxable inhabitants of the ſaid towns of Livingſton, Clermont and Germantown, and direct the ſame to be paid by the reſpective collectors to the commiſſioners of highways for ſaid towns reſpectively, on the order of the ſuperviſors as is uſual in other caſes, which ſaid ſums of money, when ſo collected and paid into the hands of the commiſſioners of highways for ſaid towns reſpectively, ſhall be by them appropriated for the purpoſes aforeſaid, any thing herein contained to the contrary notwithſtanding.

CHAP. LI.

Contents.

1. Bridge, treasurer to pay a sum out of avails of lottery for building.
3. -------- Limits prescribed within which to be built.
8. -------- Such part of the act by this amended as relates to the place of erecting. repealed.
2. Commissioners to superintend the building named.
6. Commissioners to give security.---7. Their compensation.
4. -------- For designating the place for building, how appointed.
5. -------- Their compensation.

An ACT *to amend certain Sections of an Act, entitled "An Act for opening and improving certain great Roads in this State."*

Paſſed April 4th, 1804.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the treaſurer of this ſtate 1
ſhall on the warrant of the comptroller, pay out of the avails of
the lottery, as mentioned in the ſaid act hereby amended, to Al- 2
exander St. John, Abraham Van Arnum and Jacob Shew, the
ſum of fifteen hundred dollars, for building a bridge over the weſt
branch of the Hudſon's river, ſomewhere between the line which 3
divides the counties of Saratoga and Montgomery and Tiffany
Nettleton's late reſidence.

II. *And be it further enacted*, That the perſon adminiſtering the 4
government of this ſtate for the time being, be and he is hereby
authorized to appoint three diſcreet perſons who are no ways
intereſted in ſaid bridge, commiſſioners to aſcertain the place

within the aforesaid limits, where the said bridge shall be built, who shall have for their services, two dollars each for each day they shall be employed, to be paid by the commissioners appointed for building said bridge, out of any monies which may come into their hands by virtue of this act.

III. *And be it further enacted*, That the commissioners hereby appointed for building said bridge shall give security in like manner as is directed to be given by the road commissioners mentioned in the act hereby amended, and shall receive for their services in superintending the building of said bridge, two dollars each for every day they shall be so employed, according to such account as they shall produce to be audited by the comptroller.

IV. *And be it further enacted*, That so much of the said act hereby amended as relates to the building of a bridge over the west branch of the Hudson river, at or near the place where Tiffany Nettleton lately lived, shall be and the same is hereby repealed.

CHAP. XCII.

Contents.

34. Act, declared a public act.
22. Bridge, building of, when to commence and when to be finished.
23. ------- How to be built...24. Plan thereof...30. Penalty for injuring.
21. ------- No other to build across said river within 2 miles thereof.
36. ------- After 75 years to become the property of the state.
1. Company, their stile and corporate rights.
2. ------- Limited in the purchase of real estate.
18. ------- For what cause to be dissolved...19. And to re-convey lands.
35. ------- In what case liable for penalties incurred by toll-gatherer.
3. Directors may call for sums due on shares.
5. ------- Nine to manage the concerns of the company.
9. ------- Vacancy in, how filled...10. First board of appointed.
14. ------- May enter on lands..29. Appoint officers and make bye-laws.
6. Election, anniversary day of...8. To be by ballot.
7. ------- Place of holding, directors to appoint.
25. Gate, when to be erected and toll exacted.
15. Lands, taken for the bridge, company to pay owners for.
16. ------ Value of, how ascertained in case of disagreement.
17. ------ Not to be taken possession of until paid for.
20. ------ In what case to revert to the present owners.
30. Penalty for injuring bridge...31. And for forcibly passing gates.
32. ------ On toll-gatherers for unreasonably delaying passengers.
11. President, to be appointed by the directors.
4. Shares, if not paid on the requisition of the directors, forfeited.
12. ------- Number limited---amount of each---transferable.
26. Toll, rates of prescribed...32. Printed list of, to be affixed at gate.
27. Toll-Gatherer, may detain persons until toll be paid.
32. ------- Penalty on...35. Incurred by, in what case comp. liable for.
28. Troops and Military Stores to pass bridge free of toll.
13. Votes, proportioned to the shares held by the stockholders.

An ACT *to incorporate the Troy Bridge Company.*

Passed April 8th, 1824.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That George Tibbits, Ephraim Morgan, Daniel Merrit, and Jacob D. Vander Heyden, and their present and future associates, their successors and assigns, be and they are hereby created a body corporate and politic, by name of "The President and Directors of the Troy Bridge Company," for the purpose of building a bridge over the Hudson river, at the place known by the description of the upper ferry place, at the west end of Ferry street, in the village of Troy, in the town of Troy, in the county of Rensselaer, and they are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name, for and during the term of seventy-five years, and by that name they and their successors shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever; and that they and their successors may have a common seal, and may change and alter the same at their pleasure; and also that they and their successors by the same name and stile, shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of said corporation: *Provided*, The real estate so to be purchased shall be such only as shall be necessary to promote or attain the object of this corporation.

II. *And be it further enacted*, That it shall and may be lawful for the said president and directors to call on and demand from the stockholders respectively all such sums of money by them subscribed, or to be subscribed, at such times and in such proportions as they shall see fit, under pain of forfeiture of their shares and of all previous payments thereon, to the said president, directors and company.

III. *And be it further enacted*, That the stock, property, affairs and concerns of the said corporation, and the manner of obtaining subscriptions thereto, shall be managed by nine directors, who shall be stockholders; and shall be annually chosen and elected, on the first Monday of May in each and every year, at such place in the village of Troy, as the directors for the time being, or any five of them, shall appoint, of which notice shall be given in one of the newspapers printed in the village of Troy, at least twenty days before the day of meeting; that all elections shall be by ballot, and the persons having the greatest number of votes shall be the directors, and shall hold their offices for one year, and until others shall be chosen in their places: and if any vacancies shall happen among the directors, by death, resignation or otherwise, such vacancies shall be filled for the remainder of the space in which they may happen, by the appointment of the other directors for the time being, or a majority of them: And that the first directors shall be George Tibbits, Jacob D. Vander Heyden, Ephraim Morgan, Daniel Merrit, Thomas

Hillhouſe, John Woodworth, Derick Lane, Philip Heartt and Eſaias Warren, and ſhall hold their offices until the firſt Monday of May, in the year of our Lord one thouſand eight hundred and
11 five, or until others ſhall be choſen to ſucceed them; and that the ſaid directors ſhall at their firſt meeting after ſuch election, appoint one of their number to be preſident.

12 IV. *And be it further enacted*, That the number of ſhares in the ſtock of ſaid company, ſhall not at any time exceed three thouſand ſhares of fifty dollars each ſhare, and that the ſaid ſhares ſhall be taken and deemed and conſidered to be perſonal eſtate, and ſhall and may be transferable.

13 V. *And be it further enacted*, That at all elections for directors, every ſtockholder ſhall be entitled to a number of votes proportioned to the number of ſhares he or ſhe ſhall hold in his or her name.

14 VI. *And be it further enacted*, That the ſaid preſident and directors, their agents, artiſts or other perſon or perſons employed by them, may enter upon and take poſſeſſion of the lands on each ſide of ſaid river where the ſaid preſident and directors are authorized
15 to build ſaid bridge; and in caſe ſuch land ſo taken poſſeſſion of ſhall not be a part of the public highway, the ſaid corporation ſhall pay the owner thereof on receiving a conveyance of the land, the value of ſo much of the ſame as may be neceſſary for making ſaid bridge, and erecting and eſtabliſhing a gate, toll-
16 houſe, and all other works to the ſaid bridge belonging; and in caſe of diſagreement between the parties as to ſuch value, the ſame ſhall and may be aſcertained by three indifferent freeholders of the county where ſuch land ſhall lie, who ſhall be appointed for that purpoſe, and ſworn to make a juſt valuation, by the judges of the court of common pleas of the ſame county, or a majority of them, not intereſted therein, on application from the ſaid preſident and directors to them for ſuch appointment:
17 *Provided nevertheless*, That it ſhall not be lawful for the ſaid preſident and directors to enter on or take poſſeſſion of ſaid land, until the owner or owners thereof ſhall be paid the value of the
18 ſame to be aſcertained as above directed: *And provided also*, If the ſaid bridge ſhall be carried away by the ice or otherwiſe deſtroyed and be not rebuilt in four years after ſuch bridge ſhall be ſo carried away by the ice or otherwiſe deſtroyed, that in ſaid
19 caſe the ſaid corporation ſhall become diſſolved, and ſhall reconvey to the ſaid owners reſpectively, and their reſpective heirs and aſſigns, if thereunto required, ſuch parts of the land now belonging to the ſaid owners, as ſhall be appropriated or obtained by the ſaid preſident, directors and company, by appraiſement or otherwiſe, for the uſe of the ſaid company, at and for ſuch ſum or ſums of money as the ſaid owner or owners ſhall
20 reſpectively receive for the ſame; and if the ſaid preſident, directors and company, or the ſtockholders thereof, if the corporation ſhall become diſſolved, ſhall neglect or refuſe to execute within twenty days after ſuch requeſt made, ſuch conveyance, ſuch land ſhall become veſted in the ſaid owners reſpectively making ſuch requeſt, in the ſame manner as the ſaid owners

held the ſame before it was obtained or appropriated as aforeſaid.

VII. *And be it further enacted*, That it ſhall not be lawful for 21
any perſon or perſons to erect any bridge acroſs the ſaid river at any place within two miles of the aforeſaid bridge after the ſame is completed; and that the ſaid company ſhall commence the 22
building of the ſaid bridge within two years from the firſt day of June next, and complete the ſame within ſeven years from the paſſing of this act.

VIII. *And be it further enacted*, That the ſaid bridge ſhall be 23
built at leaſt twenty-five feet wide, and ſhall be covered with plank not leſs than three inches thick; the ſides of ſaid bridge to be ſecured by good and ſubſtantial railings, not leſs than four feet in height.

IX. *And be it further enacted*, That the bridge ſo to be built 24
ſhall be built on the plan contained in the report of Nathaniel Green and Solomon Bunker, two of the commiſſioners appointed by his excellency the governor, in purſuance of a reſolution of the aſſembly of the twenty-ſixth day of March laſt, that is to ſay: the ſaid bridge ſhall conſiſt of at leaſt five arches; the firſt on the eaſtern ſide of ſaid river, ſhall be in width not leſs than one hundred and eighty feet, and at low water not leſs than ſeventy-five feet in height from the ſurface of the water to the under ſide of the arch: the ſecond arch ſhall be in width not leſs than three hundred and fifty feet, and at low water not leſs than ninety feet in height from the ſurface of the water to the under ſide of the arch, and the other arches gradually decreaſing to the weſtern ſhore of ſaid river in ſuch manner that under the three firſt arches from the eaſtern ſhore veſſels navigating ſaid river may at low water paſs without danger, and under the ſecond arch ſuch veſſels may paſs at all times when the river is not obſtructed with ice.

X. *And be it further enacted*, That as ſoon as the ſaid bridge 25
ſhall be completed, and the judges of the court of common pleas of the county of Renſſelaer, or any three of them, not intereſted therein, ſhall, upon inſpection, certify under their hands; that the ſaid bridge is well and ſufficiently completed and built conformably to this act, and will admit the paſſage of teams and loaded carriages, it ſhall and may be lawful for the ſaid preſident and directors to erect a gate at the end of ſaid bridge, and demand and take for the uſe of ſaid corporation a toll not exceeding the following rates, to wit: For every four wheel pleaſure 26
carriage drawn by four horſes, thirty-ſeven and an half cents, if drawn by two horſes, thirty cents; every ſtage waggon or coach drawn by four horſes, thirty-one cents, if drawn by two horſes, twenty-five cents; every curricle, chaiſe, chair or ſulkey drawn by one horſe, twenty cents, if drawn by two horſes, twenty-five cents, and ſix cents for every additional horſe; every waggon and two horſes, eighteen cents, and ſix cents for every additional horſe; every ſled or ſleigh drawn by two horſes, eighteen cents, and ſix cents for every additional horſe; each ox waggon or cart drawn by two oxen, eighteen cents, and each additional

yoke of oxen, nine cents; every one horſe cart, nine cents; every one horſe waggon, ſleigh or ſled, nine cents; every man and horſe, nine cents; every foot paſſenger, three cents; every horſe, jack or mule, four cents; every cow or other neat cattle, three cents; every ſcore of ſheep or hogs, twelve and an half cents,
27 and ſo in proportion for a greater or leſſer number; and it ſhall be lawful for the toll-gatherers at ſaid gate to ſtop every foot paſſenger and any perſon, from paſſing through ſaid gate until they ſhall reſpectively have paid the toll herein allowed to be collected:
28 *Provided nevertheless*, That any troops in the ſervice of this ſtate or any of the United States, and all artillery, all waggons and other carriages and ſtores of every kind belonging to this ſtate or to the United States, ſhall paſs ſaid bridge without paying toll.

29 XI. *And be it further enacted*, That the ſaid preſident and directors for the time being, or a majority of them, ſhall have power to appoint a treaſurer and clerk and one or more toll-gatherers, and to make and preſcribe ſuch bye-laws, rules and regulations as to them ſhall appear needful and proper, touching the management and diſpoſition of the ſtock, property and eſtate of the ſaid corporation, the duties of the treaſurer, clerks, agents and ſervants employed therein, and all ſuch matters as appertain to the ſaid corporation: *Provided*, That ſuch bye-laws, rules and regulations, be not inconſiſtent with the conſtitution and laws of the United States or of this ſtate.

30 XII. *And be it further enacted*, That if any perſon or perſons ſhall wilfully do or cauſe to be done any act whatſoever, whereby the ſaid bridge or any thing appertaining to the ſame ſhall be impaired, weakened or injured, the perſon or perſons ſo offending ſhall forfeit and pay to the ſaid company treble the amount of the damages ſuſtained by means of ſuch offence or injury, to be recovered by the ſaid company, with coſts of ſuit, in an action of treſpaſs, in the name of the treaſurer of ſaid corporation, to their uſe, in any court of record having cognizance thereof; which action ſhall in every inſtance be conſidered as tranſitory in its nature.

31 XIII. *And be it further enacted*, That if any perſon or perſons ſhall forcibly paſs the gate to be erected at ſaid bridge in purſuance of this act, or ſhall cauſe his, her or their horſe, carriage, waggon, ſleigh, ſled, cattle or other thing or things to paſs the ſame, without having paid the legal toll for paſſing ſaid bridge, ſuch perſon or perſons ſhall forfeit and pay a fine not exceeding ten dollars, nor leſs that one dollar, to be recovered by the treaſurer of the ſaid corporation, to their uſe, in an action of treſpaſs, which action ſhall in every caſe be conſidered as tranſitory in its nature.

32 XIV. *And be it further enacted*, That it ſhall be the duty of the ſaid corporation to cauſe to be affixed in a conſpicuous place over the ſaid gate, a printed liſt of the rates of toll, and in default thereof to be ſubject to the penalty of five dollars for every forty-eight hours, to be ſued for and recovered by any perſon who ſhall proſecute for the ſame in his own name.

32 XV. *And be it further enacted*, That if any toll-gatherer ſhall

unreasonably delay or hinder any traveller or passenger at the said gate, or shall demand or receive more toll than is by this act established, he shall for every such offence forfeit and pay the sum of ten dollars, to be sued and recovered before any justice of the peace of the county wherein such offence shall have been committed, for the use of the person so unreasonably delayed, hindered or defrauded.

XVI. *And be it further enacted*, That this act be and hereby is 34
declared to be a public act, and that the same be, for the time herein before limited, construed in all courts and places benignly and favorably for every beneficial purpose therein mentioned.

XVII. *And be it further enacted*, That in all cases where the 35
toll-gatherer shall be convicted of any of the said offences, and it shall appear by the return of the execution on such conviction, that the money or any part thereof, cannot be obtained from the defendant, the said president and directors shall be liable for the payment of the same; and until the said president and directors shall make such payment, they shall not be allowed to demand or receive any toll for passing the said bridge, but shall keep open the gates.

XVIII. *And be it further enacted*, That from and after the ex- 36
piration of the term of seventy-five years, the said bridge, with its appurtenances, shall become the property of, and be vested in, the people of this state.

Roads.

CHAP. XXXVIII.

Contents.

1. Commissioners named for laying out road---3. Their duty.
2. Road, width and route thereof.
4. ------- Expence of making, how borne.

An ACT *appointing Commissioners to lay a Road from the Village of Salina, in the County of Onondaga, to or near the Mouth of the Genesee River, in the County of Ontario.*

Passed March 31st, 1804.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That John Swift, Grover 1
Smith and John Ellis be and they are hereby appointed commissioners to explore and lay out a public road of at least four rods 2
wide, from the village of Salina, in the county of Onondaga, to the northwest corner of the township of Galen, and from thence through the towns of Palmyra and Northfield, in the county of Ontario, to or near the mouth of the Genesee river, in said county.

II. *And be it further enacted*, That when the said road shall be 3
laid out, it shall be the duty of the said commissioners to file a map and precise description thereof, with their names thereunto subscribed, in the offices of the clerks of the counties of Onta-

Hillhouſe, John Woodworth, Derick Lane, Philip Heartt and Eſaias Warren, and ſhall hold their offices until the firſt Monday of May, in the year of our Lord one thouſand eight hundred and
11 five, or until others ſhall be choſen to ſucceed them; and that the ſaid directors ſhall at their firſt meeting after ſuch election, appoint one of their number to be preſident.

12 IV. *And be it further enacted*, That the number of ſhares in the ſtock of ſaid company, ſhall not at any time exceed three thouſand ſhares of fifty dollars each ſhare, and that the ſaid ſhares ſhall be taken and deemed and conſidered to be perſonal eſtate, and ſhall and may be transferable.

13 V. *And be it further enacted*, That at all elections for directors, every ſtockholder ſhall be entitled to a number of votes proportioned to the number of ſhares he or ſhe ſhall hold in his or her name.

14 VI. *And be it further enacted*, That the ſaid preſident and directors, their agents, artiſts or other perſon or perſons employed by them, may enter upon and take poſſeſſion of the lands on each ſide of ſaid river where the ſaid preſident and directors are authorized
15 to build ſaid bridge; and in caſe ſuch land ſo taken poſſeſſion of ſhall not be a part of the public highway, the ſaid corporation ſhall pay the owner thereof on receiving a conveyance of the land, the value of ſo much of the ſame as may be neceſſary for making ſaid bridge, and erecting and eſtabliſhing a gate, toll-
16 houſe, and all other works to the ſaid bridge belonging; and in caſe of diſagreement between the parties as to ſuch value, the ſame ſhall and may be aſcertained by three indifferent freeholders of the county where ſuch land ſhall lie, who ſhall be appointed for that purpoſe, and ſworn to make a juſt valuation, by the judges of the court of common pleas of the ſame county, or a majority of them, not intereſted therein, on application from the ſaid preſident and directors to them for ſuch appointment:
17 *Provided nevertheless*, That it ſhall not be lawful for the ſaid preſident and directors to enter on or take poſſeſſion of ſaid land, until the owner or owners thereof ſhall be paid the value of the
18 ſame to be aſcertained as above directed: *And provided also*, If the ſaid bridge ſhall be carried away by the ice or otherwiſe deſtroyed and be not rebuilt in four years after ſuch bridge ſhall be ſo carried away by the ice or otherwiſe deſtroyed, that in ſaid
19 caſe the ſaid corporation ſhall become diſſolved, and ſhall reconvey to the ſaid owners reſpectively, and their reſpective heirs and aſſigns, if thereunto required, ſuch parts of the land now belonging to the ſaid owners, as ſhall be appropriated or obtained by the ſaid preſident, directors and company, by appraiſement or otherwiſe, for the uſe of the ſaid company, at and for ſuch ſum or ſums of money as the ſaid owner or owners ſhall
20 reſpectively receive for the ſame; and if the ſaid preſident, directors and company, or the ſtockholders thereof, if the corporation ſhall become diſſolved, ſhall neglect or refuſe to execute within twenty days after ſuch requeſt made, ſuch conveyance, ſuch land ſhall become veſted in the ſaid owners reſpectively making ſuch requeſt, in the ſame manner as the ſaid owners

III. *And be it further enacted*, That the said Lemuel Sisson, William Gorton and William Sutherland, or any two of them, are hereby authorized to sue for and recover all such sums of money as are or shall be subscribed for the use of the said road, and to lay out and expend the same on the road so to be laid out by virtue of this act; and the said road when completed, is declared to be a public highway, and to be worked and kept in repair as other highways in this state are worked and kept in repair.

IV. *And be it further enacted*, That each of the said commissioners may retain in their hands out of the monies to be collected by them, one dollar for every day they shall be necessarily employed in discharging the duties required of them by this act, and that any two of them shall form a board sufficient to do the duties required of them.

CHAP. XLVII.

Contents.

2. Commissioners, how elected.---18. Their compensation.
3. -------- Authorized to designate where a certain road shall run.
7. -------- Proceedings of, to be recorded.
13. -------- May divide the town into road districts.
8. Gates, commissioners directed to erect and keep in repair.
1. Highways, certain act regulating, not to extend to Shelter Island.
9. Penalty for fastening gates or obstructing roads.
15. -------- On persons refusing to work when warned.
16. -------- How applied when recovered.
4. Roads not to be laid through an orchard or garden without consent of owner.---12. Works on, how assessed.
5. -------- To be laid out, when applied for in a certain way.
6. -------- For the private use of individuals, how laid out and made.
7. -------- Description of the tracks of, &c. to be recorded.
10. -------- Not to exceed 25 nor be less than 12 feet wide.
11. -------- May be altered, if not convenient to the public, &c.
14. -------- Commissioners to keep them in repair.
19. Lands used for roads, not to be paid for.
12. Work, how assessed.----17. A team, &c. to be accounted equal to three days work.

An ACT *for laying out and regulating Roads in the Town of Shelter-Island.*

Passed April 3d, 1804.

WHEREAS it is represented to the legislature by the inhabitants of the said town, that no public or private roads or highways have ever been laid out on the said island, but the travelling there has been through gates and bars over inclosed fields, by the permission of the owners of the land; and that the present law if carried into execution, would be very expensive and disadvantageous to the inhabitants, who have prayed that a law similar to this may be enacted for their relief: Therefore,

yoke of oxen, nine cents; every one horſe cart, nine cents; every one horſe waggon, ſleigh or ſled, nine cents; every man and horſe, nine cents; every foot paſſenger, three cents; every horſe, jack or mule, four cents; every cow or other neat cattle, three cents; every ſcore of ſheep or hogs, twelve and an half cents, and ſo in proportion for a greater or leſſer number; and it ſhall be lawful for the toll-gatherers at ſaid gate to ſtop every foot paſſenger and any perſon, from paſſing through ſaid gate until they ſhall reſpectively have paid the toll herein allowed to be collected: *Provided nevertheless*, That any troops in the ſervice of this ſtate or any of the United States, and all artillery, all waggons and other carriages and ſtores of every kind belonging to this ſtate or to the United States, ſhall paſs ſaid bridge without paying toll.

XI. *And be it further enacted*, That the ſaid preſident and directors for the time being, or a majority of them, ſhall have power to appoint a treaſurer and clerk and one or more toll-gatherers, and to make and preſcribe ſuch bye-laws, rules and regulations as to them ſhall appear needful and proper, touching the management and diſpoſition of the ſtock, property and eſtate of the ſaid corporation, the duties of the treaſurer, clerks, agents and ſervants employed therein, and all ſuch matters as appertain to the ſaid corporation: *Provided*, That ſuch bye-laws, rules and regulations, be not inconſiſtent with the conſtitution and laws of the United States or of this ſtate.

XII. *And be it further enacted*, That if any perſon or perſons ſhall wilfully do or cauſe to be done any act whatſoever, whereby the ſaid bridge or any thing appertaining to the ſame ſhall be impaired, weakened or injured, the perſon or perſons ſo offending ſhall forfeit and pay to the ſaid company treble the amount of the damages ſuſtained by means of ſuch offence or injury, to be recovered by the ſaid company, with coſts of ſuit, in an action of treſpaſs, in the name of the treaſurer of ſaid corporation, to their uſe, in any court of record having cognizance thereof; which action ſhall in every inſtance be conſidered as tranſitory in its nature.

XIII. *And be it further enacted*, That if any perſon or perſons ſhall forcibly paſs the gate to be erected at ſaid bridge in purſuance of this act, or ſhall cauſe his, her or their horſe, carriage, waggon, ſleigh, ſled, cattle or other thing or things to paſs the ſame, without having paid the legal toll for paſſing ſaid bridge, ſuch perſon or perſons ſhall forfeit and pay a fine not exceeding ten dollars, nor leſs that one dollar, to be recovered by the treaſurer of the ſaid corporation, to their uſe, in an action of treſpaſs, which action ſhall in every caſe be conſidered as tranſitory in its nature.

XIV. *And be it further enacted*, That it ſhall be the duty of the ſaid corporation to cauſe to be affixed in a conſpicuous place over the ſaid gate, a printed liſt of the rates of toll, and in default thereof to be ſubject to the penalty of five dollars for every forty-eight hours, to be ſued for and recovered by any perſon who ſhall proſecute for the ſame in his own name.

XV. *And be it further enacted*, That if any toll-gatherer ſhall

through which travellers, teams and carriages may pafs, and to maintain and keep them in repair; and if any perfon fhall leave 9
or faften open, or injure or faften up, any gate fo erected or provided, or fhall block up or obftruct any road defignated as aforefaid, fuch perfon fhall for every fuch offence pay the fum of two dollars, exclufive of the damage the owner or owners of the land through which the faid road fhall be laid out, may fuftain thereby, to be recovered before any juftice of the peace, the one moiety whereof fhall go to the overfeers of the poor of the town, for the ufe of the poor thereof, and the other moiety to the perfon who fhall fue for or recover the fame: *Provided however*, That nothing herein contained, fhall be conftrued to prevent the owner or owners of the land on which fuch gate or gates are erected from faftening open the fame, for the convenience of laying his or their fields together, or for any other purpofe, or from preventing perfons whofe lands join each other, if they mutually agree, from doing the fame.

VII. *And be it further enacted*, That all roads to be laid out 10
or defignated by virtue of this act, fhall not exceed twenty-five feet in width, nor be lefs than twelve feet.

VIII. *And be it further enacted*, That when any road has been 11
defignated or laid out through any perfon's land, and it fhall appear to the commiffioners or the major part of them, on the application of the perfon, through whofe land the road may run or otherways, that another road may be laid out through the fame perfon's land, that would be as convenient as well for travellers, as for the inhabitants of faid town, it fhall and may be lawful for the commiffioners or a major part of them, to exchange the faid road already laid out by the commiffioners, with the perfon or perfons through whofe land the road may run, for another road through the faid perfon's land, which exchange being recorded agreeable to the directions of this act, fhall be good and valid, and the owner and proprietor of fuch land fhall improve and enjoy the land where fuch former road was laid out.

IX. *And be it further enacted*, That all freeholders and every 12
free male inhabitant, being above the age of twenty-one years, fhall be affeffed to work on the roads, and that the commiffioners for the faid town fhall meet within one month after they fhall be fo chofen, and make a lift containing the names of all the inhabitants of the town who are in and by this act made liable to work on the roads, and fhall affix to the name of each perfon mentioned in fuch lift, the number of days or part of a day fuch perfon fhall be liable to work on the roads in the fame year, to be determined by the commiffioners in proportion to the eftate and ability of each perfon: *Provided*, That no perfon fhall be affeffed more than fifteen days, nor lefs than half a day.

X. *And be it further enacted*, That the commiffioners of the 13
faid town or the major part of them, fhall annually, if they judge the fame neceffary, divide the town into as many diftricts as there are commiffioners in the town, allotting to each other one of the faid diftricts; and it fhall be the duty of the commif- 14

ſioners to ſuperintend and keep in order and good repair, all the roads in the ſaid town, that ſhall have been laid out or deſignated by them agreeable to this act, (except private roads) and ſhall from time to time warn all the perſons aſſeſſed to work on the roads at ſuch time and in ſuch place as the ſaid commiſſioners or any one of them may direct, and the perſon ſo warned ſhall bring with him ſuch team and ſuch implements (of which he or they ſhall be the owner or owners) as the ſaid commiſſioner or com-
15 miſſioners may from time to time direct and appoint; and if any perſon ſhall refuſe or neglect to work upon the roads aforeſaid, he ſhall forfeit and pay to the ſaid commiſſioners the ſum of nine cents for every hour he ſhall ſo refuſe or neglect to work, and if the ſaid penalty is not paid within ſix days after the ſame ſhall be incurred, it ſhall be levied, with fifty cents coſts, by a warrant under the hand and ſeal of one of the commiſſioners, directed to the conſtable of the town aforeſaid, and the conſtable ſhall levy the ſame by diſtreſs and ſale of the goods and chattels of the offender, and pay the ſaid penalty to the ſaid commiſſioner, with twelve and an half cents for the ſaid warrant, and to retain the other thirty-ſeven and an half cents for
16 his fees; and the ſaid penalty ſhall be applied by the commiſſioners towards repairing the roads in the ſaid town.

17 XI. *And be it further enacted*, That a good and ſufficient team, with a cart, plough, and ſled, and a perſon to manage the ſame, ſhall be eſteemed for and in lieu of three days work of one man, and the penalty for refuſal or neglect ſhall be proportionable, and ſhall be levied and applied in the manner aforeſaid.

18 XII. *And be it further enacted*, That each commiſſioner ſhall receive as a reward for his care and trouble, for every day he ſhall be employed in laying out and regulating the roads, and making the liſt and aſſeſſment in the town aforeſaid, the ſum of one dollar, which together with the monies neceſſary for the expenſe of making, purchaſing and erecting the gates on the ſeveral roads to be laid out by virtue of this act, ſhall be levied and collected as the other contingent charges of the town are levied and collected.

19 XIII. *And be it further enacted*, That the owner or owners of the land, (through which the ſaid roads ſhall from time to time be laid out and eſtabliſhed by the ſaid commiſſioners) ſhall not be entitled to ask, demand or receive any compenſation for the road ſo to be laid out as aforeſaid.

CHAP. XLIX.

Contents.

4. Assessment on the roads in Kings, how made.
1. Commissioners of Highways in Kings, their duty to meet together.
6. -------- For building and repairing bridges, directed to account.
7. Highways, act regulating, extended to Kings, Queens and Suffolk.
2. Overseers of Roads in Kings, their duty.
5. Supervisors may order the raising of monies for building bridges.
3. Town Clerks in Kings, their duty.

through which travellers, teams and carriages may pafs, and to maintain and keep them in repair; and if any perfon fhall leave 9
or faften open, or injure or faften up, any gate fo erected or provided, or fhall block up or obftruct any road defignated as aforefaid, fuch perfon fhall for every fuch offence pay the fum of two dollars, exclufive of the damage the owner or owners of the land through which the faid road fhall be laid out, may fuftain thereby, to be recovered before any juftice of the peace, the one moiety whereof fhall go to the overfeers of the poor of the town, for the ufe of the poor thereof, and the other moiety to the perfon who fhall fue for or recover the fame: *Provided however*, That nothing herein contained, fhall be conftrued to prevent the owner or owners of the land on which fuch gate or gates are erected from faftening open the fame, for the convenience of laying his or their fields together, or for any other purpofe, or from preventing perfons whofe lands join each other, if they mutually agree, from doing the fame.

VII. *And be it further enacted*, That all roads to be laid out 10
or defignated by virtue of this act, fhall not exceed twenty-five feet in width, nor be lefs than twelve feet.

VIII. *And be it further enacted*, That when any road has been 11
defignated or laid out through any perfon's land, and it fhall appear to the commiffioners or the major part of them, on the application of the perfon, through whofe land the road may run or otherways, that another road may be laid out through the fame perfon's land, that would be as convenient as well for travellers, as for the inhabitants of faid town, it fhall and may be lawful for the commiffioners or a major part of them, to exchange the faid road already laid out by the commiffioners, with the perfon or perfons through whofe land the road may run, for another road through the faid perfon's land, which exchange being recorded agreeable to the directions of this act, fhall be good and valid, and the owner and proprietor of fuch land fhall improve and enjoy the land where fuch former road was laid out.

IX. *And be it further enacted*, That all freeholders and every 12
free male inhabitant, being above the age of twenty-one years, fhall be affeffed to work on the roads, and that the commiffioners for the faid town fhall meet within one month after they fhall be fo chofen, and make a lift containing the names of all the inhabitants of the town who are in and by this act made liable to work on the roads, and fhall affix to the name of each perfon mentioned in fuch lift, the number of days or part of a day fuch perfon fhall be liable to work on the roads in the fame year, to be determined by the commiffioners in proportion to the eftate and ability of each perfon: *Provided*, That no perfon fhall be affeffed more than fifteen days, nor lefs than half a day.

X. *And be it further enacted*, That the commiffioners of the 13
faid town or the major part of them, fhall annually, if they judge the fame neceffary, divide the town into as many diftricts as there are commiffioners in the town, allotting to each other one of the faid diftricts; and it fhall be the duty of the commif- 14

is to be done under their direction by such person or persons as shall by them or a majority of them be appointed for that purpose; and the said commissioners, who have received such money, shall yearly lay their accounts before the town clerk, supervisor and justices of the peace of such town, and they shall examine and audit the same, at the same time that they examine and audit the accounts of the overseers of the poor of such town, and if any of said money remains in the hands of said commissioners not expended it shall thereafter be by them laid out in making and repairing the bridges in such town, when found necessary by the said commissioners, and every of the said commissioners shall, within fifteen days after the termination of their respective offices, and when they are not re-elected, pay such money remaining in their hands as aforesaid, to their successors in office, to be by them laid out in the same manner as herein is before directed.

III. *And be it further enacted*, That the second section of the act, entitled "An act to regulate highways," passed the eighth of April, one thousand eight hundred and one, be extended to the counties of Kings, Queens and Suffolk.

CHAP. LIII.

Contents.

1. Commissioners for laying out roads named....3. To take an oath.
4. ..... Two authorized to do business....7. Their compensation.
8. Damages, how ascertained and paid.
2. Roads, breadth and route of.---9. How kept in repair.
5. ..... Map of the survey of, &c. to be made and filed.
6. ..... Field notes thereof to be filed.
7. Surveyor, his compensation.

An ACT *to appoint Commissioners to lay out a Road from the Court House in the County of Onondaga to the Village of Oswego.*

Passed April 4th, 1804.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Moses Carpenter, Medad Curtis and Asa Rice, be and they are hereby appointed commissioners to explore and lay out a public road six rods wide on the most direct and practicable route from the court house in the county of Onondaga, to Ox-creek near where it empties into the Oswego river, and from thence to the village of Oswego: And also another public road of six rods wide leading from the point of intersection of the aforesaid road with Ox-creek, on the most direct and practicable route to the village of Salina in the said county of Onondaga: That the said commissioners, before they enter upon the duties of their office, shall respectively take and subscribe an oath or affirmation before one of the judges of the court of common pleas for the said county faithfully and impartially to execute the duties aforesaid, and file a copy of such oath, certified by the judge before whom the same

shall be taken, in the office of the clerk of the said county; and 4
further that the said commissioners, or any two of them, are hereby authorized to perform the duties enjoined upon them by this act.

II. *And be it further enacted*, That the said commissioners 5
shall cause to be made an accurate map of the survey of said road, which, together with the field notes of such survey, shall be filed in the office of the clerk of the county of Onondaga; and that 6
there shall be filed in the office of the clerks of the respective towns through which said road shall run, a copy of the field notes of such part of said road as runs through the said towns respectively.

III. *And be it further enacted*, That the said commissioners 7
and their surveyor, respectively, shall be allowed two dollars and fifty cents per day, for every day they shall be necessarily employed in the duties aforesaid, and that their accounts shall be audited by the supervisors of the said county of Onondaga, as a part of the contingent expenses of said county, and shall be paid accordingly.

IV. *And be it further enacted*, That if any part of the said road 8
shall run through inclosed or improved lands, the damages shall be appraised and paid in the same manner, as is directed in and by the fifteenth section of the act, entitled "An act to regulate high ways," and the said road shall be opened and kept in repair 9
agreeable to the provisions of the act aforesaid.

CHAP. LXXXIII.

An ACT *to amend an Act, entitled "An Act relative to unappropriated Lands in this State, to prevent Intrusions, and for other Purposes.*

Passed April 9th, 1804.

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Nathan Sage, Henry Huntington and Jacob Brown, commissioners appointed for opening and improving the great road from Rome through Western and Redfield, and thence through township number seven, lying north of Redfield, and from thence through number one and number seven, on Sandy creek, in the county of Oneida, be, and they are hereby authorized and empowered to make such deviations on said route for opening said road as above described, between the town of Rome to and through the town of Redfield, as they may deem proper, any law to the contrary notwithstanding.

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4. -------- To deposit monies for safe keeping in the Farmers' Bank.
5. -------- May adopt such scheme as they shall think proper.
8. Roads, if laid through improved lands, damages to be paid.
9. -------- Monies for opening and improving, how apportioned.
10. -------- Persons advancing money, may determine on which road to be expended.---11. Money so advanced, how repaid.
15. Vacancies in the office of commissioners and managers, how filled.

An ACT *for opening and improving a Road from the Town of Troy to Batten-Kill, and for opening and improving a Road from the Long Falls, on the Black River, to Oswegatchie, on the River St. Lawrence.*

Paſſed April 9th, 1804.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That for the purpoſe of opening and improving the roads herein after mentioned, the managers herein after named ſhall cauſe to be raiſed by lottery twenty-two thouſand dollars, together with an addition of ten per cent on ſuch ſum for the expenſes accruing thereon.

II. *And be it further enacted*, That Abraham G. Lanſing, Albert Pawling, and Stephen Thorn, or the ſurvivors or ſurvivor of them, be and they are hereby appointed managers for drawing, managing and ſuperintending the ſaid lottery, which ſhall be drawn in the city of Albany.

III. *And be it further enacted*, That each of the managers of the ſaid lottery ſhall, before they enter upon the execution of the duties of their office, enter into a bond to the people of this ſtate, with ſuch ſureties as the comptroller ſhall approve of, in the ſum of twenty thouſand dollars, conditioned for the faithful and honeſt diſcharge of the duties required of them by this act, and for rendering a juſt account of all their proceedings at the next ſeſſion of the legiſlature after drawing of the ſaid lottery.

IV. *And be it further enacted*, That the managers aforeſaid ſhall from time to time, and as often as they ſhall receive the ſum of one thouſand dollars for the ſale of tickets, depoſit the ſame in the Farmers' Bank for ſafe keeping; and that as ſoon as the lottery ſhall be drawn, the managers ſhall pay the avails, except the ſum allowed for expenſes, into the treaſury of this ſtate.

V. *And be it further enacted*, That the managers aforeſaid, or any two of them, ſhall have full power to adopt ſuch ſcheme, or to manage the lottery in ſuch manner as to them may be thought proper, and may ſell, or cauſe to be ſold, the tickets in any part of the ſtate, except the ſouthern diſtrict, and that the lottery ſhall be drawn without delay, after the ſale of the tickets.

VI. *And be it further enacted*, That it ſhall be lawful for the perſon adminiſtering the government of this ſtate, by and with the advice and conſent of the council of appointment, to appoint three commiſſioners to lay out, open and improve the road, of

the width of four rods, from the town of Troy, in the county of Renſſelaer, to Batten-kill in the town of Greenwich in the county of Waſhington, and to build bridges over the Batten-kill and Hooſick river.

VII. *And be it further enacted*, That Nathan Ford, Alexander 7
J. Turner and Joſeph Edſall, be and they are hereby appointed commiſſioners to lay out, open and improve a road of the width of ſix rods, from or near the head of the Long falls on the Black river, in the county of Oneida, in the beſt and moſt convenient route to the mills of Nathan Ford at Oſwegatchie in the county of St. Lawrence.

VIII. *And be it further enacted*, That if any part of the roads 8
as aforeſaid, ſhall be laid through incloſed or improved lands, the owner thereof ſhall be paid ſuch damages as may be ſuſtained by reaſon thereof, which damages ſhall be determined and aſſeſſed in the manner preſcribed in like caſes, in and by the fifteenth ſection of an act, entitled "An act to regulate highways," paſſed the eighth of April, one thouſand eight hundred and one.

IX. *And be it further enacted*, That ten thouſand dollars of the 9
money ordered to be raiſed by this act, ſhall be paid to the commiſſioners to be appointed as aforeſaid, to lay out, open and improve the road from the town of Troy in the county of Renſſelaer, to the Batten-kill in the town of Greenwich in the county of Waſhington; and that twelve thouſand dollars of the money ordered to be raiſed by this act, ſhall be paid to the commiſſioners herein named, to lay out, open and improve a road from or near the head of the Long falls on the Black river in the county of Oneida, to the mills of Nathan Ford at Oſwegatchie in the county of St. Lawrence; but if any perſon or perſons think proper to 10
advance money towards making any part of the ſaid roads, it ſhall be optional with him or them on which of the ſaid roads it ſhall be expended.

X. *And be it further enacted*, That it ſhall be lawful for any 11
perſon or perſons to pay into the treaſury of this ſtate, any ſum or ſums of money he may chooſe to advance for opening either of the ſaid roads, which money ſo advanced ſhall be repaid him or them by the treaſurer, on the warrant of the comptroller, with the intereſt, out of the avails of the ſaid lottery, paid into the treaſury as aforeſaid.

XI. *And be it further enacted*, That it ſhall be lawful for the 12
ſaid commiſſioners from time to time to receive from the treaſury, by warrant from the comptroller, any ſum or ſums of money which may be ſo advanced on loan as aforeſaid, for opening and improving either of the ſaid roads, and to receive from the treaſurer, on the warrant of the comptroller, the avails of the ſaid lottery, deducting the monies with the intereſt, which may have been paid into the treaſury on loan for opening either of the ſaid roads as aforeſaid.

XII. *And be it further enacted*, That it ſhall be the duty of the 13
ſaid commiſſioners to account with the comptroller for the expenditures in opening and improving the ſaid roads.

XIII. *And be it further enacted*, That each of the ſaid com- 14

missioners, before he enters on the execution of his trust, shall enter into a bond to the people of this state, with such sureties as the comptroller of this state for the time being, shall approve of, in a sum equal to the whole sum appropriated to the road, to be by him and his colleagues opened and improved, conditioned for the faithful application of the monies to be raised as aforesaid, and which shall be entrusted to him or them, according to the directions of this act, which bond, when executed, shall be deposited in the office of the comptroller of this state; and in case the said bonds or any of them shall become forfeited, the monies to be recovered thereon shall be applied to the use of the road, the improvement whereof the defaulting commissioner or commissioners superintended.

15 XIV. *And be it further enacted*, That in case of the death, refusal to act, or resignation of any person or persons who are appointed by this act, to be a commissioner or commissioners, or to be a manager or managers, it shall and may be lawful for the person administering the government of this state, to supply such vacancy by the appointment of such person to fill the same, as he in his discretion shall deem meet and proper.

16 XV. *And be it further enacted*, That two commissioners on each road shall be deemed a quorum, who may transact all business incident to the trust reposed in them by this act.

17 XVI. *And be it further enacted*, That each of the commissioners to be appointed as aforesaid, shall be entitled to retain out of the monies which shall come into his or their hands, the sum of one dollar and fifty cents for every day employed in performing the duties prescribed by this act, according to such account as they shall produce, to be audited by the comptroller.

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4. ..... Compensation to...6. Vacancy how filled...7. Two a quorum.
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1, 4. Road, commissioners to open...monies appropriated for.
3. Treasurer of the state, to pay monies to commissioners.

An ACT *to enable the Inhabitants in Townships Number One and Two in Totten and Crossfield's Purchase, to open and improve a certain Road therein mentioned.*

Passed April 9th, 1804.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Joseph Spier, Michael Overacker, and William Wells, be and they are hereby appointed commissioners for opening and improving a road on the most convenient and best route, from township number one and two, in Totten and Crossfield's purchase, to what is generally called Wells' settlement in the town of Mayfield in the county of Montgomery.

2 II. *And be it further enacted*, That all the monies which may

be paid into the treasury yearly, and every year, for the space of five years after the passing of this act, which may be assessed for taxes on unsettled lands in township number one, two, three, eight, nine and ten, in Totten and Crossfield's purchase, in the county of Montgomery, shall be and hereby is appropriated for opening and improving said road; and the treasurer of this state 1
shall, on the warrant of the comptroller, pay unto the said commissioners by this act appointed, the said monies, as soon as the same shall come to his hands, not to exceed however the sum of three hundred dollars in the whole amount.

III. *And be it further enacted*, That the commissioners hereby 4
appointed for laying out and improving said road, shall be entitled to one dollar each, for each and every day they shall be necessarily employed in the duties aforesaid.

IV. *And be it further enacted*, That each of the said commis- 5
sioners hereby appointed, before he enters on the execution of his trust, shall enter into a bond to the people of this state, with such sureties as the comptroller of this state for the time being shall approve of, in a sum equal to the whole sum appropriated to the said road, to be by him and his colleagues opened and improved, conditioned for the faithful performance and application of the monies appropriated by this act, and which shall be entrusted to him or them, according to the directions of this act, which bond, when executed, shall be deposited in the office of the comptroller of this state; and in case the said bonds or any of them shall become forfeited, the monies to be recovered thereon shall be applied to the use of the said road.

V. *And be it further enacted*, That in case of the death, refu- 6
sal to act, or resignation of any person appointed by this act to be a commissioner, it shall and may be lawful for the person administering the government of this state, to supply such vacancy by the appointment of such person to fill the same as he in his discretion shall deem meet and proper.

V. *And be it further enacted*, That two of the commissioners 7
hereby appointed shall be deemed a quorum, who may transact all business incident to the trust reposed in them by this act.

CHAP. CVII.

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8. Commissioners for improving road, appointed.
9. ..... Their duties...10. Their compensation.
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5. ..... Penalty on, for neglecting to fulfil the conditions of sale.
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7. ..... In what case to pay interest on purchase money.
1. Surveyor General, to sell a lot of land near Onondaga salt works.
3. ..... To give the purchaser a certificate of the purchase.

An ACT *for improving the Road across the Tract of Land appropriated to the Use of the Salt Works.*

Passed April 10th, 1804.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the surveyor general shall cause to be laid out and surveyed, two hundred and fifty acres of land where the road running south from the village of Salina crosses the road running east and west through the lots in the Onondaga reservation, appropriated to the use of the salt works, and sell the same at vendue on the first day of June next, at the hotel in the village of Utica, in manner following, to wit: The intended sale shall be advertised in the newspaper published by the printer of this state, and the two papers published in the village of Utica, at least four weeks immediately preceding the day of the sale, and a sum not less than one eighth part of the purchase money shall immediately be paid, and the remainder in three payments, one third in six months thereafter, and the other two thirds in two annual payments.

II. *And be it further enacted*, That the purchaser shall, immediately after the sale, pay to the surveyor general, for the use of the commissioners herein appointed, the said one eighth part of the purchase money, and execute a penal obligation, with one sufficient surety, conditioned for the payment of the residue in manner aforesaid, to the three commissioners herein named; and the surveyor general, on the receipt of said obligation, and the one eighth of the purchase money aforesaid, shall give said purchaser a certificate containing a description of the land purchased, the price bid for the same, and the name of the purchaser: And whenever the said purchaser or his legal representatives or assigns, shall produce such certificate, and a certificate from the commissioners herein appointed, of his having made the improvements required, with a receipt for the payment of the whole of the purchase money to the commissioners herein appointed, it shall be the duty of the commissioners of the land office to cancel such obligation, and to cause letters patent to issue for the said land described in the certificate, to the said purchaser, his heirs and assigns for ever; and if any purchaser shall refuse or neglect to pay the one eighth part of the purchase money aforesaid, or to deliver such obligation to the surveyor general when required so to do as aforesaid, he shall, for every such refusal or neglect, forfeit the sum of twenty-five dollars, to be recovered with costs of suit, by the surveyor general, in an action of debt in any court having cognizance thereof, at the expense of and for the use of the people of this state, and the land shall immediately after said refusal or neglect, be immediately again exposed to sale on the same conditions.

III. *And be it further enacted*, That if said purchaser shall pay any part or the whole of said purchase money before the time herein pointed out, he shall be entitled to a discount at the rate of ten per cent per annum on the sum paid.

IV. *And be it further enacted*, That if said purchaser shall not

make improvements in building houſes, barns or ſtables on ſaid land, of the value of one thouſand dollars, before the day on which the laſt payment ſhall become due, he ſhall pay intereſt at the rate of ſix per cent per annum on the whole of the purchaſe money from the date of the ſale to the time above mentioned.

V. *And be it further enacted*, That Moſes Carpenter, John Young and James Geddes, are hereby appointed commiſſioners to receive and lay out the money for which the above mentioned lot of land ſhall be ſold, in improving the road running from the lot number thirty-eight, in Onondaga, to the lot number forty- 9
nine in Manlius; and it ſhall be the duty of the ſaid commiſſioners, as ſoon as they ſhall receive ſaid monies from the ſurveyor general, or from the purchaſer above mentioned, to lay out the ſame in improving the ſaid road, and account with the ſupervisors of the county of Onondaga for the ſame, in ſix months after they ſhall have received the laſt ſum due from the purchaſer aforeſaid: It ſhall likewiſe be the duty of ſaid commiſſioners to view the improvements on the ſaid land, made before the day on which the laſt payment ſhall become due, and after valuing the ſame, give the certificate contemplated by this act to be given, if ſaid purchaſer be entitled to the ſame: It ſhall further be the duty of ſaid commiſſioners to take an oath or affirmation before the clerk of the county of Onondaga, faithfully to perform the duties enjoined on them by this act, and ſeverally execute, in the preſence of ſaid clerk, bonds to the ſupervisors of the county of Onondaga, and their ſucceſſors in office, for the ſum of two thouſand dollars, with ſuch ſureties as the clerk of the ſaid county ſhall approve, conditioned for the faithful performance and diſcharge of the duties enjoined on them by this act, which bonds ſhall be depoſited with the ſaid clerk.

VI. *And be it further enacted*, That each of the ſaid commiſ- 10
ſioners ſhall be entitled to receive out of the ſaid monies, one dollar for each day he ſhall be neceſſarily employed in performing ſaid duties.

CHAP. CXIII.

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1. Literature Lotteries, managers of, to pay $12500 into the treasury.
2. Roads, 11000 dols. to be paid to commissioners, for opening certain.
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4. University, regents of, to receive a certain sum from the managers of the literature lotteries.

An ACT *authorizing a Loan of Money for opening and improving certain great Roads in this State.*

Paſſed April 11th, 1804.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the managers of the lot- 1

teries appointed in and by the act, entitled "An act for the promotion of literature," shall pay into the treasury of this state, out of the neat avails of the second lottery, to be drawn in pursuance of the said act, the sum of twelve thousand five hundred dollars, which is directed by the said act to be paid to the regents of the university of the state of New-York.

II. *And be it further enacted*, That the treasurer, on the warrant of the comptroller, shall pay out of the said sum to the commissioners appointed in and by the act, entitled "An act for opening and improving certain great roads in this state," to open and improve the two roads first mentioned in the said act, the sum of eleven thousand dollars, to be divided and expended as is directed in and by the said last mentioned act.

III. *And be it further enacted*, That the treasurer, on the warrant of the comptroller, shall pay unto the commissioners appointed by the act last mentioned, to lay out and improve a road through the northern towns in the county of Washington, into and through the counties of Essex and Clinton, until it intersects the line of forty-five degrees of north latitude, in the town of Champlain, the sum of fifteen hundred dollars, being the remainder of the said sum of twelve thousand five hundred dollars.

IV. *And be it further enacted*, That the managers of the lottery, appointed in and by the said last mentioned act, shall as soon as the said lottery shall be drawn, out of the avails thereof pay unto the regents of the university of the state of New-York, the said sum of twelve thousand five hundred dollars, with the interest thereof at six per cent from the time the said sum was paid into the treasury by the managers of the lotteries, appointed by the act first above mentioned.

V. *And be it further enacted*, That the said sum of eleven thousand dollars, so to be received by the said commissioners, to lay out and improve the said two roads above mentioned, with the interest as aforesaid, shall be considered as part of the sum to be paid to them in pursuance of the last mentioned act.

VI. *And be it further enacted*, That the said sum of fifteen hundred dollars, so to be received by the commissioners for that purpose mentioned in this act, to lay out and improve the other road above mentioned with the interest as aforesaid, shall be considered as part of the sum of ten thousand dollars, directed to be paid them by the last mentioned act.

CHAP. CXVI.

An ACT *authorizing an Alteration to be made in the Road lately laid out by Charles Selden, Benjamin Smith and Albert Pawling.*

Passed April 11th, 1804.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the commissioners of highways, for the time being, in the town of Shawangunk, in the county of Ulster, are hereby authorized, empowered and directed, without delay, after they have received notice of this act,

to make the following alterations in the road laid out by Charles Selden, Benjamin Smith and Albert Pawling, by virtue of an act, entitled "An act relative to the road leading from the city of Albany to the Orange turnpike," passed 2d April, 1803, viz. Beginning at a small bridge which is a little distance northwesterly from the house of Henry Van Weyant, and from thence nearly straight, so as to intersect the said road already laid out by the said Charles Selden, Benjamin Smith and Albert Pawling, on the most northerly and highest bank of the Dwarse-kill, where it crosses the same near the dwelling house of James Kain, esquire, which alteration when made, shall be considered as a part of the said road, to be paid for and opened in like manner as if it had been laid out on that place by the said Charles Selden, Benjamin Smith and Albert Pawling, by virtue of the powers given them by said act.

II. *And be it further enacted*, That it shall be the duty of the secretary of state of this state to make out a copy of so much of the return of the said road, laid out by the said Charles Selden, Benjamin Smith and Albert Pawling, for each of the towns through which said road leads, as the said towns shall be respectively interested in, without charging any fee for the same, to be delivered to the said town clerks, or their orders respectively, which the said town clerks shall enter on the records of the town, and which shall become a part of the records of highways of said towns respectively.

Turnpikes.

CHAP. XXVI.

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7. President, how appointed...8. First President named.
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1. Susquehannah Turnpike, part of road, exonerated from making.

An ACT *relative to the Susquehannah Turnpike Road.*

Passed March 20th, 1804.

WHEREAS the president, directors and company of the Susquehannah Turnpike, by their petition under their common seal, presented to the legislature at their present session, have set forth, that by a contract tripartite, executed between the said president and directors, the stockholders of said company, and John Livingston and Henry Livingston, of the manor of Livingston, esquires, the stock and interest of said company was severed at the Hudson's river; that on the east side was transferred to the said Livingstons, together with twelve hundred shares of the stock of said company not disposed of; that on the west

retained by the reſidue of the ſtockholders: *And whereas* the intereſt of the public and the convenience of the ſtockholders require that there ſhould be two ſeparate and independent companies: Therefore,

I. BE *it enacted by the People of the State of New-York, re-*
1 *preſented in Senate and Aſſembly*, That ſo much of the act, entitled "An act to eſtabliſh a turnpike corporation for improving and making a road from the town of Saliſbury, in the ſtate of Connecticut, to Wattles's ferry, on the Suſquehannah river," as requires of or enjoins it upon the ſaid company to make the ſaid road on the eaſt ſide of Hudſon's river, be and the ſame is hereby repealed.

2 II. *And be it further enacted*, That the ſtock of the ſaid company, on the weſt ſide of Hudſon's river, ſhall be and remain five thouſand eight hundred ſhares and no more; and the concerns of the ſaid company ſhall, after the next annual election for directors, be managed and conducted by nine directors inſtead of thirteen.

3 III. *And be it further enacted*, That all that part of the road deſcribed in the before recited act, laying between the town of Saliſbury and the Hudſon's river, ſhall be and hereby is erected into a ſeparate corporation, in fact and in name, by the name of the preſident, directors and company of the Ancram turnpike
4 road; and the ſtock of the ſaid laſt mentioned company ſhall conſiſt of twelve hundred ſhares.

5 IV. *And be it further enacted*, That the concerns of the ſaid Ancram turnpike road ſhall be managed by five directors and a
6 treaſurer, who ſhall be ſtockholders; and the firſt Tueſday of September in every year ſhall, for ever hereafter, be the day of chooſing directors; and any three of the ſaid directors ſhall be a quorum, and capable of tranſacting the buſineſs of ſaid corporation; and every act of a majority of the ſaid directors ſo met
7 ſhall be binding on the ſaid corporation; and the ſaid directors, elected by a plurality of the votes of the ſtockholders, ſhall immediately proceed to the choice of one of their number for pre-
8 ſident, and alſo to appoint a treaſurer; and that the ſaid preſi-
9 dent, until the ſaid election, ſhall be Henry Livingſton; and the ſaid directors, John Livingſton, William W. Van Neſs, Ezekiel Gilbert and Moncrief Livingſton, who ſhall alſo have the power to appoint a treaſurer.

10 V. *And be it further enacted*, That the ſaid road on the eaſt ſide of Hudſon's river ſhall be made and kept in repair in the ſame manner as directed by the act referred to in the firſt ſection of this
11 act; and the ſaid Ancram Turnpike company ſhall further have the ſame privileges, and be ſubject to the ſame reſtrictions and penalties, ſo far as reſpects the ſaid road on the eaſt ſide of the Hudſon's river, as is contained in the above recited act, as fully and effectually as if the particular privileges and liabilities were herein again enumerated and re-inſerted.

12 VI. *And be it further enacted*, That all coſts and expenses that have or may occur in making, keeping in repair, or ſuperintending the aforeſaid road, toll-houſes, gates, turnpikes, and every thing incident thereto, ſhall be borne excluſively by the

respective corporations, as separate and independent companies, that is to say, that part of the road on the west side, by the corporation first in this act mentioned, and that on the east side by the corporation hereby created.

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An ACT *to incorporate the Highland Turnpike Company.*

Passed March 24th, 1804.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly,* That William Edgar, Joseph Howland, Philip Van Cortlandt, Pierre Van Cortlandt, junior, William Keymeefs, William Street, Daniel Delavan, Isaac Van Wyck, Gilbert Livingston, Daniel C. Verplank, and Philip Ver- 1

plank, and all such other persons as shall associate for the purpose of making a good and sufficient road, beginning at or near the house of Matthew Gage in the town of Mount-Pleasant, in the county of Westchester; from thence to and across Croton river, near the house of Philip Van Cortlandt; and from thence to and through the village of Peekskill in the town of Cortlandt, in the said county; and from thence by the nearest and most eligible route, and as near the present post-road as circumstances will admit, to or near the churches in the town of Fishkill in the county of Dutchess, be and hereby are created and made a corporation and body politic in fact and in name, by the name of "the President, Directors and Company of the Highland Turnpike," and by that name shall be capable in law to purchase, have, hold, enjoy and retain to them and their successors, lands, tenements, hereditaments, goods, chattels and effects of every kind whatsoever, and the same or any part thereof, to sell, grant, demise, alien or dispose of, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in all courts of record, or in any other place whatsoever: *Provided however*, That the amount of the real estate which the said corporation are hereby authorized to purchase and hold, shall not exceed in value ten thousand dollars, and that such estate so to be purchased and held, shall be necessary to fulfil the end and intent of the corporation hereby created and made, and to no other use, intent or purpose whatsoever.

II. *And be it further enacted*, That William Edgar, William Denning, Thomas Storm, Philip Van Cortlandt, Joseph Howland, Gilbert Livingston, Daniel W. Birdsall, Isaac Van Wyck and William Keymeess, be and they are hereby appointed commissioners to do and perform the several duties herein after mentioned, that is to say:—They shall on or before the first day of June next, procure nine books and in each of them enter as follows: "We whose names are hereunto subscribed do, for ourselves and our legal representatives, promise to pay to the president, directors and company of the Highland turnpike, the sum of twenty-five dollars for every share of stock in the said company set opposite to our respective names, in such manner and proportion, and at such time and place as shall be determined by the said president, directors and company;" one of which books shall be left with each of the said commissioners at their respective places of abode, who shall keep the same open for the purpose of receiving subscriptions, and every subscriber shall at the time of subscribing pay unto either of the said commissioners five dollars, for each share so subscribed; and the said commissioners shall as soon as six hundred shares have been subscribed, cause an advertisement to be inserted in one of the public newspapers in the city of New-York, and in the town of Poughkeepsie, giving at least thirty days notice of the time and place, when and where the said subscribers shall meet, for the purpose of choosing thirteen directors (who shall be stockholders) for the purpose of managing the concerns of the company for one year; and that the first Wednesday of June in every year, shall for ever

thereafter be the day for choosing directors, and any seven of the 11
said directors shall be a quorum and capable of transacting the business of the said corporation, and every act of a majority of the directors so met, shall be binding on the said corporation; and the said directors elected by a plurality of the stockholders 12
present, shall immediately proceed to the choice of one of their number for president; and the said president and directors may 13
meet from time to time, and shall have power to make such bye-laws, rules, orders, and regulations, not inconsistent with the constitution or laws of this state, or of the United States, as may be necessary for the well ordering the affairs of the said corporation: *Provided*, That no stockholder shall have more than fifty 14
votes, whatever number of shares he may be entitled to, and that each stockholder shall be entitled to one vote for each share by him held under the said number; and that the said votes may be 15
given either in person or by proxy.

III. *And be it further enacted*, That in case of the death, inability or absence of the president, a quorum of the directors met 16
may choose or appoint a president pro tempore, and shall and may proceed and transact the business of the said corporation in like manner as if the president were present.

IV. *And be it further enacted*, That the said president and di- 17
rectors may continue to receive subscriptions to the stock of the said corporation, until there shall be three thousand two hundred shares subscribed.

V. *And be it further enacted*, That the said corporation by the 18
president and directors or by any agent, superintendent, artist or other person employed in their service, with their carriages, beasts, tools and implements, may enter into any land where the said road is to be constructed, and to lay out and survey such routes or tracks as shall be most practicable for effecting a good and sufficient road on the route aforesaid; and the said president 19
and directors may contract with the owners of the said land for the purchase of so much thereof, as shall be necessary for the purpose of making the said road, and for erecting and establishing gates, toll-houses, and all other works to the said road belonging; the said president and directors paying the owner or owners of the land so to be laid out as part of the said road, the value of such land, together with such reasonable sum for damages as may be agreed on, and in case of disagreement between the said parties respecting the damages to be done to the said land, or if the owner or owners shall be femes covert, insane or under age, or out of the county, then it shall and may be lawful for the said president and directors to apply to one of the judges of the court of common pleas of the county in which the said lands shall be situate, residing nearest to the land to be appraised, and who is not interested in said road or lands, who is hereby authorized and required to nominate and by warrants under his hand and seal to appoint three appraisers, being freeholders of the said county, and who shall not be inhabitants of any of the towns through which the said road shall pass, or interested in the said road, or the lands to be appraised as herein after directed; and it shall

be the duty of the ſaid preſident and directors to cauſe ſuch warrants to be delivered to each of the ſaid appraiſers, who, or any two of them, ſhall thereupon name a day for meeting on the ſaid lands, and performing the duties required of them by this act, and alſo to give notice to the owner or owners of ſuch land, of the ſaid appointment, and the day, being at leaſt four days from the time of giving ſuch notice, when and where the commiſſioners will meet, for the purpoſe of examining the lands and aſſeſſing the damages, except in caſe the owner or owners ſhall labor under any of the diſabilities aforeſaid, or be out of the county, in either of which caſes a copy of ſuch notice may be left at the dwelling houſe (if any) of the party or other notorious place on the land, through which ſaid road ſhall paſs: *And further*, each of the ſaid appraiſers ſhall before he proceeds to exerciſe the truſt repoſed in him by this act, take and ſubſcribe an oath or affirmation before one of the juſtices of the peace in and for ſaid county, that he will, without favor or partiality, eſtimate and aſſeſs the damages which may be ſuſtained by the owner or owners of any lands or improvements, which the ſaid corporation may deem neceſſary for ſaid road: And the commiſſioners ſhall then proceed to view the premiſes, and having determined the damages ſhall make an inquiſition under their hands and ſeals, or under the hands and ſeals of any two of them, ſtating the amount of damages (if any) which each or any of the owner or owners of any parcels of land uſed or to be uſed for ſaid road, have ſuſtained or ſhall ſuſtain, which inquiſition ſhall be acknowledged by the appraiſers ſigning the ſame, before one of the judges aforeſaid, and filed, together with the oath aforeſaid, in the office of the clerk of the county where the land ſhall be ſituate, who ſhall at the expenſe of the preſident and directors of the ſaid company, enter the ſame of record in the book kept
20 by him for recording deeds; and the ſaid corporation paying to the ſaid ſeveral owners of the ſaid land the ſeveral ſums awarded by ſuch inquiſition, ſhall have and hold, to them, their ſucceſſors and aſſigns for ever, the lands and tenements deſcribed therein; and the preſident and directors aforeſaid ſhall pay to the judge who made the appointment of ſuch appraiſers two dollars for his ſervice, and to each of the ſaid appraiſers for every day neceſſarily attending the duties required of them by this act, three dol-
21 lars: *Provided*, That nothing in this act contained ſhall be conſtrued to authorize the ſaid preſident and directors or any other perſon whatſoever to enter upon ſuch lands, and thereon make the ſaid road until they have paid or tendered the value of the ſaid land, together with ſuch damages as may be agreed upon, or appraiſed, according to the proviſion of this act, or in caſe of the abſence of ſuch perſon to depoſit the ſame in the office of the clerk of the county where ſuch land or damages ſhall be appraiſ-
22 ed, for the uſe of the owner of ſuch land: *And provided alſo*, That nothing in this act ſhall be conſtrued to authorize the ſaid preſident and directors to make ſaid road through any garden without the conſent of the owner, if ſuch garden ſhall have been cultivated as ſuch at leaſt ten years before ſuch road ſhall be laid out.

VI. *And be it further enacted*, That the ſaid preſident, direc- 23
tors and company ſhall cauſe the ſaid road to be laid out at leaſt four rods wide, twenty-eight feet of which ſhall be bedded with ſtone, gravel or wood, compacted together, and of ſufficient depth to ſecure a ſolid foundation to the ſame; and the ſaid road ſhall be faced with gravel or broken ſtone, ſo as to afford a ſurface as even as the materials will admit, riſing towards the middle by a gradual arch; or where a bridge or bridges are neceſſary, ſuch 24
bridge or bridges ſhall not be leſs than twenty feet wide, and they ſhall, during the continuance of this act, maintain and keep the ſame in good order and repair; and for this purpoſe, in caſe 25
the aforeſaid ſtock ſhall be found inſufficient to finiſh and keep in repair the ſaid road, it ſhall be lawful for the preſident, directors and company, to lay an additional ſum on each ſhare, not exceeding five dollars.

VII. *And be it further enacted*, That as ſoon as the ſaid preſi- 26
dent, directors and company ſhall have completed ten miles of the ſaid road, then it ſhall be lawful for the ſaid preſident, directors and company to give notice to the governor of this ſtate, who ſhall thereupon forthwith nominate and appoint two or three judicious perſons to view the ſame, and report to him in writing, whether the ſaid road is ſo far completed in a workmanlike manner, according to the true intent and meaning of this act; and 27
if the report be in the affirmative then it ſhall be lawful for the governor, and it is hereby made his duty, by licence under his hand and the privy ſeal of this ſtate, to permit the ſaid preſident, directors and company to erect one gate and turnpike acroſs ſaid road; and when another ten miles of the ſaid road ſhall be completed, according to the true intent and meaning of this act, and after obtaining licence from the governor as aforeſaid, it ſhall and may be lawful for the preſident, directors and company to erect another gate and turnpike acroſs the ſaid road, at ſuch place as they ſhall think proper, and in like manner to erect gates after completing every other ten miles (if the remainder of the road ſhould be ten miles) in form aforeſaid preſcribed; and where other roads interſect ſaid turnpike road, the 28
ſaid turnpike ſhall be ſo formed that carriages may conveniently go on and off ſaid road: *Provided nevertheless*, That there 29
ſhall be but three gates erected on ſuch road, one whereof ſhall be ſouth of the churches in the town of Fiſhkill, and as near the ſame as ſhall be deemed expedient by the incorporation, one other whereof ſhall be between the houſe of Daniel W. Birdſall and the new bridge, and ſhall be three miles or more from the houſe of the ſaid Daniel, and at leaſt four miles diſtant from the ſaid bridge, and the third not more than ten and a half miles, or leſs than nine and a half miles from the ſecond gate.

VIII. *And be it further enacted*, That as ſoon as the whole or 30
any part of the road ſhall be completed, and permiſſion to erect a gate or gates as aforeſaid granted, the ſaid preſident and directors may appoint toll-gatherers to collect and receive of and from all and every perſon or perſons uſing the ſaid road, the tolls and duties herein after mentioned, and no more, at each of the ſaid

31 gates, viz: for every score of sheep or hogs, six cents; for every score of cattle, horses or mules, twelve and an half cents, and so in proportion for a greater or less number; for every horse and rider, or led horse, five cents; for every sulkey, chair or chaise, with one horse and two wheels, twelve and an half cents; for every chariot, coach, coachee, curricle or phaeton, thirty-seven and an half cents; for every stage-waggon, or other four wheeled carriage or stage sleigh drawn by two horses, and for every cart or waggon drawn by two oxen or two horses, twelve and an half cents, and three cents for every additional horse or ox; for every sleigh or sled, six cents if drawn by two horses or two oxen, and in like proportion if drawn by a greater or less num-
32 ber of horses or oxen; and it shall and may be lawful for any of the said toll-gatherers to stop any person riding, leading or driving any of the herein enumerated articles, from passing through the said gates or turnpikes until they shall have respectively paid
33 the toll, not exceeding the rates above specified: *Provided always*, That it shall and may be lawful for any person or persons, residing within four miles of any of the said gates or turnpikes, to be erected on the said road, to compound by the year with the president and directors of the said corporation for the privilege of using the said road and using the said gates or turnpikes; and in case any such person or persons shall not be able to agree with the said president and directors upon the rate of composition, the same shall be determined in the manner provided by the fifth section of this act for ascertaining the value of lands that may be included in such road, except that it shall not be necessary for the inquisition or award of the commissioners to be acknowledged and recorded.

34 IX. *And be it further enacted*, That the said corporation shall cause mile stones to be erected or placed one for each and every mile of the said road, and on each stone placed as aforesaid, shall be fairly and legibly marked the distance the said stone is from
35 the city of New-York; and shall also erect guide posts at the intersection of all public roads leading into and from said turnpike, and to which posts boards shall be attached, on which shall be indicated the place to which such intersecting road shall lead; and the said corporation shall be at liberty to make use of the mile stones, guide posts and boards now erected on the present post
36 road for the purposes aforesaid; and the said corporation shall also cause to be affixed to each gate or turnpike a printed list of the rates of toll which may be lawfully demanded.

37 X. *And be it further enacted*, That if any person shall break or throw down or deface the mile stones, guide posts or boards so erected, or shall break, cut or destroy any of the turnpikes or gates which shall be erected in pursuance of this act, or shall forcibly pass the same without having paid the legal toll at such gate or turnpike, such person or persons shall forfeit and pay a fine not exceeding twenty-five dollars nor less than three dollars, to be recovered by the treasurer of the corporation to their use in an action of trespass; and if any person shall, with his team, carriage or horse, or driving hogs, sheep, cattle, mules, or any

other article liable to pay toll by this act, turn out of said road to pass the said gates on grounds adjacent thereto, and again enter on said road, with an intent to avoid the toll due by virtue of this act, such person shall forfeit and pay the sum of five dollars, to be recovered by the said treasurer in an action of debt: *Provided nevertheless*, That nothing in this act shall be construed so 38
as to enable the said president and directors to receive toll of or from any person passing to or from his or her common business on his or her farm, or to or from any mill, not carrying a less quantity than half a bushel of grain, meal or flour, for the use of his or her family, to or from any funeral, to or from public worship on Sunday, or to or from any public landing, not passing thereto on said road more than two miles, or to or from a blacksmith's shop to which he usually resorts, or from any person or persons who are entitled to vote, when going to or returning from town meeting or election for the purpose of giving a vote, or from any person going for or returning with a physician or midwife, or from any juror or witness going to or returning from court, having been legally summoned or subpœnaed, or from any troops in the service of this state or of the United States, or for any artillery waggons, and other carriages or stores of any kind in the service of, or belonging to this state or the United States, or from any person or persons going to or returning from any training where, by the laws of this state, they are required to attend; and whenever any person or persons shall claim to be exempt from paying toll by virtue of any of the exceptions aforesaid, he, she or they shall produce to the toll-gatherer sufficient testimony, that they are respectively entitled to be exempted as aforesaid, before they shall receive the benefit of any of such exemption.

XI. *And be it further enacted*, That if any toll-gatherer shall 39
unreasonably delay or hinder any traveller or passenger at any gate, or shall demand or receive more toll than is by this act established, he shall, for every such offence, forfeit and pay the sum of two dollars, to be prosecuted for and recovered before any justice of the peace in the county where the offence shall be committed, for the sole use of the person so unreasonably hindered or attempted to be defrauded.

XII. *And be it further enacted*, That the shares in the said 40
turnpike road shall be taken, deemed and considered to be personal estate, and shall and may be transferable, and the transfers of said shares shall be made and entered on the books of the said president, directors and company.

XIII. *And be it further enacted*, That the president and direc- 41
tors shall keep a just and fair account of all monies received by the collectors of toll on said road, and shall make and declare a dividend of the clear profits and income (all contingent costs and charges being first deducted) amongst all the stockholders of the said corporation, and shall on the second Tuesday of January and July in every year, publish the half yearly dividend to be made of the clear profits amongst the stockholders, and of the times

and places when and where the same will be paid, and shall cause the same to be paid accordingly.

42 XIV. *And be it further enacted*, That within six months after the said road is completed the said president and directors shall lodge in the comptroller's office of this state an account of the
43 expense thereof; and the corporation shall annually exhibit to the comptroller a true account of all the income arising from said toll, with the annual disbursements on said road.

44 XV. *And be it further enacted*, That the said president, directors and company, shall construct a bridge across the mouth of
45 Croton river, at or near the place mentioned in the first section of this act, and erect a gate and turnpike upon and across the said
46 bridge, and may ask, demand and receive from all and every person or persons who shall pass over the same, the like tolls and duties as are herein before granted for passing any one of the other gates to be erected on said road; and also two cents for every foot passenger who shall cross the said bridge, with the like exceptions as are mentioned in the tenth section of this act:
47 *Provided always*, That the said bridge shall not be considered as a part of the distance on said road; and that nothing in this act contained, shall authorize the said president or directors or any other person whatsoever to build a bridge across Croton river aforesaid, unless in making such bridge, there shall be an opening across the channel of the said river between the abutments thereof, at least twenty-four feet in width, which bridge shall be constructed with good and sufficient draw gates, not less than eighteen feet in width for the passage of vessels at all times of the tide with fixed standing masts; and it shall be the duty of all such person or persons who shall open said gates after the passage of any vessel or vessels, to shut and carefully close the same.

48 XVI. *And be it further enacted*, That the legislature may dissolve the said corporation when the income arising from said toll, shall have fully compensated the said corporation for all monies they may have expended in purchasing, making, repairing and taking care of said road, together with an interest of fourteen per centum per annum; and thereupon, the right, interest and property of said road, shall be vested in the people of this state, and be and remain at their disposal: *Provided*, That if the said corporation shall not commence their operations upon said road within two years after passing this act, or shall not within eight years afterwards complete the said road according to the true intent and meaning of this act, then and in either of these cases this act shall cease, be void and of no effect.

49 XVII. *And be it further enacted*, That three disinterested freeholders shall be appointed by the governor and council of appointment, whose duty it shall be upon complaint made on reasonable grounds, to examine the said road from time to time, and whenever they shall find the same out of repair, to order the toll-gate on such part of the said road as shall be out of repair, to be kept open until it shall in their opinion be well and sufficiently amended and repaired; and that the said commissioners shall have and receive as a compensation for their services respective-

ly, the ſum of two dollars for each day they ſhall be neceſſarily engaged in viewing and inſpecting the ſaid road: *Provided*, ſuch viewing and inſpection do not exceed two days in any one month of the year, which ſaid compenſation ſhall be paid to ſuch commiſſioners by the ſaid preſident, directors and company.

XIX. *And be it further enacted*, That this act ſhall be and the ſame is hereby declared to be a public act.

CHAP. LVI.

An ACT *for increasing the Stock, and further amending the Act incorporating the First Company of the Great Western Turnpike Road.*

Paſſed April 4th, 1804.

IN compliance with the petition of the preſident, directors and firſt company of the great weſtern turnpike road,

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it ſhall be lawful to and for the preſident and directors of the ſaid company, from time to time in their diſcretion, to require the ſtockholders of the ſaid company to pay ſuch ſums, in addition to the forty dollars compoſing a ſhare of the ſtock of the ſaid company, as they ſhall deem proper, not exceeding in the whole the ſum of thirty dollars on each ſhare: *Provided*, That the ſum required by the firſt requiſition of ſuch additional ſum ſhall not exceed five dollars on each ſhare; and that if any of the preſent ſtockholders of the ſaid company ſhall neglect or refuſe to pay ſuch ſum of five dollars, or leſs ſum required, on or before the time for that purpoſe appointed in manner aforeſaid, ſuch ſtockholder ſhall be deemed to have waved his or her right of increaſing the ſum payable on each ſhare, as to the ſhares to which ſuch neglect or refuſal ſhall relate; that as ſoon as conveniently may be after the time appointed for ſuch payment, the ſaid preſident and directors ſhall ſo arrange the aggregate amount of the ſtock waved as aforeſaid, as to correſpond with ſuch increaſed ſhares, and diſpoſe thereof at public auction for the benefit of all the ſtockholders of the ſaid company; and that if there ſhall be any exceſs from the production of ſuch ſale beyond the original value of forty dollars on each ſhare, ſuch exceſs ſhall be added to the half yearly dividend to be made next after ſuch ſale, and paid to the ſtockholders of the ſhares exiſting immediately before the paſſing of this act, in rateable proporſions.

II. *And be it further enacted*, That it ſhall be lawful to and for the ſaid preſident and directors, from time to time, to compound with all or any perſon or perſons inhabiting the country adjacent to or near the ſaid turnpike, for the toll which may accrue or become payable for paſſing the two or either of the gates neareſt the place of abode of ſuch perſon ſo compounding, and between which ſuch place of abode ſhall be ſituate, ſo as that any ſuch compoſition ſhall not exceed the term of one year.

III. *And be it further enacted*, That if any carriage contain-

ing one or more persons, going to or coming from any place of public worship, shall convey any articles exceeding one hundred and fifty pounds in weight, not attached to such persons, such carriage, and the animals drawing the same, shall not be exempted from toll.

CHAP. LXXI.

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An ACT *to establish a Turnpike Corporation for improving and making a Road from the Susquehannah River in the Town of Jerico, in Chenango County, to the Town of Bath, in the County of Steuben, and to incorporate the Jerico Bridge Company.*

Passed April 7th, 1804.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Benjamin S. Carpen- 1
ter, Joseph Julliand, Elisha Smith, John Johnson, Elick L. Hartshorn, Frederick A. De Zeng, Jonathan Parker, Platt Brush, Eleazer Dana, and all such others as shall associate for the purpose of making a good and sufficient road, running from the Susquehannah river, opposite or near to where the Ulster and Delaware turnpike road shall terminate on the said river, by the most direct practicable route to the town of Bath, in the county of Steuben, along or near to the heads of the Cayuga and Seneca lakes, their successors and assigns, be and are hereby created a body corporate and politic, by the name of "the President and Directors of the Susquehannah and Bath turnpike road company," and they are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name, and by that name they and their successors shall and may have continual succession, and shall be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters and causes whatsoever, and they and their successors, by the same name and style, shall be in law capable of purchasing, holding and conveying any estate real and personal, for the use of the said corporation: *Provided*, That such estate, as well real as personal, so to be pur- 2
chased and held, shall be necessary to fulfil the end and intent of the said corporation, and to no other purposes whatsoever.

II. *And be it further enacted*, That Benjamin S. Carpenter, 3
Elisha Smith, John Johnson, Frederick A. De Zeng and Eleazer Dana, be and they are hereby appointed commissioners, to do and perform the several duties herein after mentioned, that is to say: Each of the said commissioners shall furnish himself with a book in which shall be written—"We whose names are here- 4
unto subscribed respectively promise to pay to the president and directors of the Susquehannah and Bath turnpike road company, the sum of twenty-five dollars for every share of the stock thereof, set opposite to our respective names, in such manner and proportion, and at such time and place, as the said president and directors shall from time to time require:" That such books 5
shall be kept open for receiving subscriptions, and every subscriber shall at the time of subscribing pay one dollar for each share subscribed to the commissioner in whose book he shall so subscribe: That the stock of the said company may consist of twelve 6
thousand shares; that as soon as five hundred shares shall have 7

been ſubſcribed, the ſaid commiſſioners ſhall cauſe an advertiſement to be inſerted in one of the public newſpapers printed in Kingſton in Ulſter county, in the village of Owego in Tioga county, and in Cooperſtown in the county of Otſego, giving at leaſt twenty days notice of the time and place when and where the ſaid ſubſcribers ſhall meet to chooſe thirteen directors, who ſhall be ſtockholders, for the purpoſe of managing the concerns of the company until the firſt Monday in October next after ſuch
8 election; and the ſaid directors ſhall be choſen by ballot by the ſtockholders then preſent, at which ſaid firſt election ſuch of the ſaid commiſſioners as ſhall be then and there preſent ſhall pre-
9 ſide; and the ſaid firſt Monday in October ſhall for ever thereaf-
10 ter be the anniverſary day for chooſing directors; and that at every ſubſequent election the ſtockholders preſent ſhall, by plurality of votes, elect three of their number to preſide at ſuch election; that the perſons ſo preſiding ſhall receive the ballots at ſuch election, and immediately after the election ſhall be cloſed, openly eſtimate the votes, and thereupon make and ſubſcribe a certificate of the reſult of ſuch election, ſpecifying the names of the ſtockholders ſo elected, and make return thereof to the ſaid preſident and directors at their next meeting after ſuch
11 election; that every ſtockholder ſhall, either in perſon or by proxy, at every ſuch election, be entitled to one vote for every ſhare he ſhall hold to the number of ten ſhares, and one additional vote for every ten ſhares he ſhall hold above the number of
12 ten ſhares; that if ſuch election ſhall not be held on any of the ſaid annual election days, it ſhall be lawful to make ſuch election at any other day, to be appointed for that purpoſe by the ſaid preſident and directors, in like manner, and with like effect, as if the ſame had been held at the uſual time, and the directors in office ſhall in that caſe be incapacitated, after the ſaid anniverſary election day, from performing any act as directors, other
13 than ſuch as may be neceſſary to give ſuch election effect; that any ſeven of the ſaid directors ſhall be a quorum, and capable of tranſacting the buſineſs of the ſaid corporation, and any act of the majority of the directors ſo met ſhall be binding on the ſaid
14 corporation: And after every ſuch election the ſaid directors elected ſhall, immediately after having met, proceed to elect by ballot one of their number for preſident, and the ſaid preſident and directors may meet from time to time at ſuch place as they
15 may find expedient and direct; and they ſhall have the power to make ſuch bye-laws, rules, orders and regulations, not inconſiſtent with the conſtitution and laws of this ſtate or of the United States, as they ſhall deem neceſſary for the well ordering
16 the affairs of the ſaid corporation: That in caſe of vacancy by death, reſignation or otherwiſe, in the office of director, the other directors in office may by a majority of votes ſupply ſuch
17 vacancy until the next annual election day; that whenever the preſident ſhall be abſent from any of the meetings of the directors, the directors preſent may by plurality of votes appoint another of their number preſident for the meeting, and they ſhall and may proceed and tranſact the buſineſs of the ſaid corporation

in like manner as if the president was present: And that at the 18
first meeting of the first directors, to be chosen as aforesaid by the stockholders, the said commissioners above named shall deliver their respective subscription books, and pay over the monies received by them respectively on such subscriptions, to the president and directors of the said corporation: That the said president and directors may continue to receive subscriptions to the stock of the said corporation, until there shall have been twelve thousand shares subscribed; and shall have power to appoint 19
such officers, agents, clerks, artists, workmen and others under them, as shall be necessary for executing the business of the said corporation.

III. *And be it further enacted*, That the said president and di- 20
rectors shall at all times during the continuance of this incorporation, maintain and support good and sufficient bridges of at least twenty feet wide, over and across the several boatable branches of the Chenango river, in the road to be laid out by virtue of this act, free of all expense to the public, which shall be so built and constructed as in no way to obstruct the passage of boats, arks or rafts; and that every bridge to be erected across the said road shall not be of a less width than twenty feet.

IV. *And be it further enacted*, That it shall be and hereby is 21
made the duty of three commissioners, not interested in the turnpike, who shall be nominated and appointed by the person administering the government of this state, or any two of them, to lay out such road according to the best of their judgment and understanding, without favor or partiality, in such manner that the object of the corporation and the general interest of the public shall be in the best manner effected: And it shall be the duty of the said commissioners to deposit and cause to be recorded in the office of the clerk of every county through which such road shall pass, an accurate map of the survey of the same in such county, designating the several particular points through which it shall pass: And each of which commissioners, for their services afore- 22
said, shall be allowed at the rate of three dollars a day for every day they shall be necessarily employed in the services aforesaid, to be paid, together with the expense of surveying and recording the said map, by the said corporation: And the president and 23
directors may contract and agree with the owners of the said land for the purchase of so much thereof as shall be necessary for the purpose of making the said road, and for erecting and establishing gates, toll houses, and all other works to the said road belonging: And in case of disagreement between the said parties 24
with respect to the value of the land, so as aforesaid to be laid out, and the damages, if any, to be done to the said land, or if the owner or owners shall be feme covert, insane, under age or out of the country, then and in either such case it shall and may be lawful for the said president and directors to apply to one of the judges of the court of common pleas in and for the county in which such land shall be situated, not interested in the said road, who is hereby authorized and required to nominate, and by an instrument signed by him, to appoint three appraisers, being freehold-

ers of the ſaid county, and who ſhall not be inhabitants of any of the towns through which the ſaid road ſhall paſs, or intereſted in the ſaid road, or the land to be appraiſed: And it ſhall be the duty of the ſaid preſident and directors to give notice to the ſaid appraiſers of their appointment, who, or any two of whom, ſhall thereupon name a day for meeting on the land and performing the duties required of them by this act, which day ſhall not be more than ten nor leſs than four days from ſuch notice of their appointment: And the ſaid preſident and directors ſhall give at leaſt four days notice to the owner or owners of ſuch land, of the time when and the place where the ſaid appraiſers ſhall meet for the purpoſe of viewing the land and aſſeſſing the damages, except in caſe the owner or owners ſhall labor under any of the diſabilities aforeſaid, or be abſent, in either of which caſes a copy of ſuch notice may be left at the dwelling houſe of any of the party, or other notorious place on the land through which ſuch road ſhall paſs: And further, each of the ſaid appraiſers ſhall, before he proceeds to execute the truſt repoſed in him by this act, take and ſubſcribe an oath or affirmation in writing, before one of the juſtices of the peace of the ſaid county for which he ſhall be ſo appointed, that he will, without favor or partiality, eſtimate and aſſeſs the damages which may be ſuſtained by the owner or owners of the land or improvements which the ſaid corporation may deem neceſſary to take and appropriate for ſaid road; and the ſaid appraiſers ſhall then proceed to view the premiſes, and having aſcertained and determined the damages, ſhall make an inquiſition under their hands and ſeals, or under the hands and ſeals of any two of them, deſcribing the lands and ſtating the amount of the damages, if any, which each or any of the owner or owners of any parcel of land uſed or to be uſed for ſuch road, have ſuſtained or will ſuſtain, which inquiſition ſhall be acknowledged by the appraiſers ſigning the ſame before one of the judges aforeſaid and then by them filed, together with the affidavit aforeſaid, in the office of the clerk of the county in which ſuch land ſhall be ſituated, within thirty days after ſuch view ſhall be had and inquiſition made by the ſaid appraiſers; and the ſaid clerk ſhall, at the expenſe and coſts of the ſaid preſident, directors and company, enter the ſame of record in the book kept by him for recording deeds; and the preſident and directors aforeſaid, upon paying the ſaid ſeveral owners of the ſaid land the ſeveral ſums ſo aſſeſſed and awarded by the ſaid appraiſers in their ſaid inquiſition, ſhall and may have and hold, to them and their ſucceſſors and aſſigns for ever, the lands and tene-
25 ments in the ſaid inquiſition deſcribed: *Provided*, That nothing in this act contained ſhall be conſtrued to authorize the ſaid preſident and directors to enter upon ſuch land for the purpoſe of making ſuch road thereon, until they ſhall have paid ſuch damages as may be agreed upon or appraiſed, according to the proviſion of this act, if the ſame ſhall be lawfully demanded.

26 V. *And be it further enacted*, That the ſaid preſident and directors ſhall pay to the judge who ſhall appoint the appraiſers to aſſeſs the damages aforeſaid, one dollar and fifty cents for

his ſervices; and to each of the ſaid appraiſers for every day neceſſarily attending to perform the duties required by this act, two dollars and fifty cents.

VI. *And be it further enacted*, That the ſaid preſident, directors and company, ſhall cauſe a road to be opened and kept open, four rods wide, which ſhall be thirty-three feet between the ditches on each ſide thereof, twenty-five feet whereof ſhall, where neceſſary, be bedded with ſtone, gravel, ſound wood, or other hard ſubſtance, well compacted together, and of ſufficient depth to ſecure a good and ſolid foundation for the ſame; and the ſaid road ſhall be faced with gravel or broken ſtone, of a depth not leſs than ſix inches, in ſuch a manner as to ſecure a firm, and as near as the materials will admit, an even ſurface, riſing to the middle by a gradual arch, and that the greateſt aſcent in the ſaid road ſhall not exceed fourteen inches in any one rod; and the ditches on the ſides of the ſaid road ſhall, where it may be practicable, be of a proper width, and ſufficiently level to form a good road for ſleighs, and where other roads ſhall interſect ſaid turnpike road, ſhall be ſo formed as that carriages may conveniently go on and off ſaid turnpike road: *Provided nevertheless*, That where, on account of the ſteepneſs of ſide-hills or rocks which render it unpracticable in any point or place thereof, to make and finiſh the ſaid road as laid out by the commiſſioners for that purpoſe to be appointed, of the full width as above deſcribed, it ſhall and may be lawful for the ſaid preſident and directors to cauſe the ſame to be made and finiſhed of ſuch leſs width as may be practicable without a ditch on the lower ſide, but in no place however to be contracted of a leſs width than twenty feet: *Provided* the lower ſide of ſuch road where the ſame ſhall not be of its full width, ſhall be finiſhed with a ſtrong and ſufficient fender or railing of the heighth of at leaſt three feet above the ſurface of the road along which the ſame ſhall be conſtructed. 27

VII. *And be it further enacted*, That as ſoon as the preſident and directors ſhall have completed the ſaid road or ten miles thereof, it ſhall be lawful for the ſaid preſident and directors to give notice thereof to the perſon adminiſtering the government of this ſtate, for the time being, who ſhall thereupon forthwith nominate and appoint three diſcreet freeholders, and not intereſted in any turnpike road, to view the ſame, and to report to him in writing, whether ſuch part of the ſaid road is completed in a workmanlike manner, according to the true intent and meaning of this act, and if the report ſhall be in the affirmative, then it ſhall be the duty of the perſon adminiſtering the government of this ſtate, and he is hereby required by licence under his hand and the privy ſeal of the ſtate, to permit the ſaid preſident and directors to make and erect ſo many gates and turnpikes acroſs and upon the ſaid road, as will be neceſſary and ſufficient to collect the duties and tolls herein after granted to the ſaid corporation, from all perſons travelling or uſing the ſame. 28

29 VIII. *And be it further enacted*, That as soon as the whole or any part of the said road shall be completed, and permission so as aforesaid granted to erect a gate or gates and turnpikes upon and across the same, it shall and may be lawful for the said president and directors to appoint toll-gatherers to collect and receive of and from all and every person or persons using the said road, at each and every of the said gates the tolls and duties
30 herein after mentioned and no more, that is to say: Any number of miles not less than ten in length of the said road, the following sums of money, and so in proportion for any greater or less distance, or for any greater or less number of sheep, hogs, cattle, horses or mules, as follows: For every score of sheep or hogs, eight cents; for every score of cattle, horses or mules, twenty cents; for every horse, rode, led or driven, six cents; for every chair, sulkey or chaise with one horse, twelve and an half cents; for every cart drawn by one horse, six cents; for every chariot, coach, coachee or phaeton, twenty-five cents; for every stage, waggon, or other four wheel carriage, drawn by two horses, mules or oxen, twelve and an half cents, and three cents for every additional horse, mule or ox; for every cart drawn by two oxen, twelve and an half cents, and three cents for every additional horse, mule or ox; for every sleigh or sled, eight cents, if drawn by two horses, mules or oxen; and in like proportion if drawn by a greater or less number of horses, mules or
31 oxen: And it shall and may be lawful for any toll-gatherer to stop and detain any person riding, leading or driving any horse, cattle, sheep or hogs, sulkey, chair, phaeton, chaise, cart, waggon, sleigh or other carriage of burthen or pleasure from passing through any of the said turnpike gates, until they shall have re-
32 spectively paid the toll as above specified: *Provided*, That nothing in this act shall be construed to entitle the said corporation to demand or receive toll at any gate, of or from any person passing to or from public worship, his farm, or a funeral, or to or from a grist mill for the grinding of grain for his family's use, or to or from a blacksmith's shop to which he usually resorts, or from any person residing within four miles of the said gate, or from any person or persons who are entitled to vote, when going to or returning from town meeting or election, for the purpose of giving a vote, or from any person going for or returning with a physician or midwife, or from any juror or witness going to or returning from court, having been legally summoned or subpœnaed, or from any troops in the service of this state, or of the United States, or for any artillery waggons and other carriages, or stores of any kind in the service of, or belonging to this state, or the United States, or from any person or persons going to or returning from any training, where by the laws of this state they are required to attend: And whenever any person or persons shall claim to be exempt from paying toll, by virtue of any of the exceptions aforesaid, he, she or they shall produce to the toll-gatherer sufficient testimony that they are respectively entitled to be exempted as aforesaid, before they shall receive the bene-
33 fit of any such exemptions: *And provided also*, That not more

than one half of the above toll ſhall be demanded or received for any waggon or other carriage paſſing upon the ſaid road, the tire or track of the wheel whereof is more than ſix inches wide, nor more than one fourth of the above toll for thoſe above nine inches wide, and that all carriages the tire or track of the wheel whereof is twelve inches wide, ſhall paſs ſaid road free without paying any toll whatever: And that the preſident and directors ſhall 34
cauſe to be affixed and kept up at or over each gate, in ſome conſpicuous place where it may conveniently be read, a printed liſt of the rates of toll which may be lawfully demanded.

IX. *And be it further enacted*, That the ſaid corporation ſhall 35
cauſe mile-ſtones or poſts to be erected one for each mile of the ſaid road, and on each ſtone or poſt ſhall be fairly and legibly inſcribed or marked, the diſtance the ſaid ſtone or poſt is from Hudſon's river; and if any perſon ſhall break or throw 36
down, or cut down, deface or injure any of the ſaid mile-ſtones or poſts ſo to be erected, or ſhall wilfully break or throw down any of the ſaid gates or turnpikes, or ſhall dig up or ſpoil any part of ſaid road, or any thing thereunto belonging, or ſhall forcibly paſs either of the ſaid gates, without having previouſly paid the legal toll, ſuch perſon or perſons ſhall, for every ſuch offence or injury, forfeit and pay the ſum of twenty-five dollars, to be recovered by the ſaid corporation, to their uſe, in an action of debt, with coſts of ſuit, in any court having cognizance thereof; and if any perſon or perſons ſhall with his team, car- 37
riage or horſe, turn out of the ſaid road to paſs either of the ſaid gates on ground adjacent thereto, and again enter on ſaid road, having paſſed the ſaid gate or gates to avoid the payment of the toll due by this act, ſuch perſon or perſons ſhall forfeit and pay a fine not exceeding five dollars, to be recovered in like manner by the ſaid corporation, to their own uſe, with coſts of ſuit, in any court having cognizance thereof.

X. *And be it further enacted*, That if any toll-gatherers ſhall 38
unreaſonably delay or hinder any traveller or paſſenger at either of the ſaid gates, or ſhall demand and receive more toll than is by this act eſtabliſhed, he ſhall, for every ſuch offence, forfeit and pay ten dollars, to be recovered by the perſon ſo unreaſonably detained, for his own uſe, with coſts of ſuit, in any court having cognizance thereof.

XI. *And be it further enacted*, That the ſhares of the ſaid 39
turnpike road ſhall be deemed and conſidered to be perſonal eſtate, and be transferable in ſuch manner as the ſaid preſident and directors may direct: *Provided*, That they ſhall not at any 40
time be held by any perſon not a citizen of this ſtate or of the United States.

XII. *And be it further enacted*, That it ſhall and may be law- 41
ful for the ſaid preſident and directors, at any time after the completion of ſaid road; to leſſen the rate of toll or duties, or to take away, or open, or cauſe to be kept open, one or more of the gates and turnpikes.

XIII. *And be it further enacted*, That the preſident and direc- 42
tors of the ſaid corporation ſhall keep a fair and juſt account

of all monies received or to be received by the ſeveral collectors of toll on ſaid road, and ſhall make and declare a dividend of the clear profits and income (all contingent coſts and charges being firſt deducted) among the ſtockholders of the ſaid corporation, on the fourth Mondays of March and September in every year, and ſhall publiſh the ſame among the ſtockholders, and the time and place when and where the ſame will be paid, and ſhall cauſe the ſame to be paid accordingly.

43 XIV. *And be it further enacted*, That the preſident and directors ſhall, within ſix months after the ſaid road ſhall be completed, lodge in the office of the comptroller of this ſtate an account of the expenſes thereof; and the corporation ſhall annually exhibit to the comptroller a true account of the dividends ariſing from ſaid toll, with the annual diſburſements.

44 XV. *And be it further enacted*, That it ſhall and may be lawful for the preſident and directors to demand from the ſtockholders reſpectively all ſuch ſums of money by them ſubſcribed, or to be ſubſcribed, at ſuch times and in ſuch proportions as they ſhall ſee fit, under pain of forfeiture of their ſhares and all the previous payments thereon to the ſaid preſident and di-
45 rectors; and that after the full amount of the twelve thouſand ſhares ſhall have been appropriated and expended by the ſaid preſident and directors for the purpoſe of making a good and ſufficient road between the places aforeſaid, and the ſum ſo appropriated ſhall be found inſufficient to effect the purpoſes aforeſaid, it ſhall and may be lawful for the ſaid preſident and directors, in order to complete the ſaid road and turnpike, to increaſe or raiſe the funds of the ſaid corporation by adding a ſum, not exceeding five dollars to each and every ſhare in the whole ſtock, which ſum ſo to be added ſhall be in an equal ratio upon each and every ſhare, to be collected and paid in manner aforeſaid, ſubject on default of payment to the pains and forfeitures aforeſaid.

46 XVI. *And be it further enacted*, That the legiſlature may diſſolve the ſaid corporation when the income ariſing from the ſaid toll ſhall have paid and compenſated the ſaid corporation for all monies they may have expended in purchaſing and making ſaid road, together with an intereſt thereon of ten per centum per annum, beſides the expenſe of repairing and taking care of ſaid road and ditches; and thereupon the right, intereſt and property of the ſaid corporation ſhall be veſted in the people of this ſtate, and be and remain at their diſpoſal: *Provided*, That if the ſaid corporation ſhall not commence their operations within two years, and ſhall not within ten years thereafter complete the ſame according to the intent and meaning of this act, then and in either caſe this act ſhall ceaſe and be void and of no effect.

47 XVII. *And be it further enacted*, That the whole extent of the road hereby incorporated ſhall, for the purpoſe of being inſpected, be divided by the ſaid preſident and directors into three equal diſtricts, and be diſtinguiſhed by the firſt, ſecond and third inſpec-
48 tion diſtricts of the Suſquehannah and Bath turnpike road; to

each of which diſtricts ſhall be appointed by the perſon adminiſtering the government of this ſtate, and ſubject to removal by him at diſcretion, a diſcreet freeholder as commiſſioner, who ſhall be in no way intereſted in the ſaid corporation, whoſe duty it ſhall be on accepting the ſaid appointment, from time to time, and eſpecially upon complaint made to him in writing, ſubſcribed by the complainant, of the inſufficiency of the ſaid road in any part thereof within his diſtrict; and whenever he ſhall find the ſame out of repair, or obſtructed by ſnow, to give notice thereof in writing to the keeper of the neareſt toll gate on ſuch road, or to the preſident or any of the directors of ſaid corporation; 49
and it is hereby made the duty of the ſaid preſident and directors immediately upon ſuch notice, to cauſe ſuch road to be well and ſufficiently repaired and amended or opened, as the caſe may require, under the penalty of ten dollars for every neglect of forty- 50
eight hours, in opening or repairing ſuch road as aforeſaid, to be ſued for by ſuch commiſſioner and recovered with coſts of ſuit in an action of debt, in any court having cognizance thereof, which penalty when recovered, ſhall without delay be paid over to the overſeers of the poor of the town in which ſuch forfeiture ſhall have been incurred, for the uſe of the poor of ſaid town: And 51
the ſaid commiſſioner is hereby further empowered, whenever in his opinion it ſhall become juſt and neceſſary, on account of the inſufficiency of the ſaid road within his diſtrict, by writing to be delivered to the keeper of any toll gate, to order all or any of the toll gates acroſs the ſame to be opened and kept open until the ſaid road ſhall have been in his opinion well and ſufficiently repaired, which the ſaid keeper ſhall be and hereby is required to obey under the like penalty, to be ſued for, recovered and applied as aforeſaid; and it is hereby made the duty of ſuch commiſſioner upon notice in writing received from the preſident or any of the directors of the ſaid corporation to examine and determine whether ſuch road ſhall have been ſufficiently repaired and amended or opened, and to direct accordingly, but from every ſuch deciſion of a commiſſioner, there ſhall be a right of appeal by the ſaid preſident and directors to the commiſſioners of the other inſpection diſtricts of ſaid road, whoſe deciſion thereon ſhall be final; that every of the ſaid commiſſioners ſhall be entitled to and 52
receive as a compenſation for his ſervices aforeſaid, at the rate of two dollars and fifty cents for every day he ſhall be neceſſarily engaged therein: But no one commiſſioner ſhall for viewing and inſpecting within his own diſtrict, except on the application of the preſident or any of the directors, be entitled to a compenſation exceeding two days wages in any one month of the year; that the compenſation hereby authorized to any ſuch commiſſioner, ſhall be paid to him quarter yearly if required, out of the funds of the corporation, and that ſuch accounts for ſervices ſhall if required be atteſted to by ſuch commiſſioner before the ſame ſhall be payable: *Provided however*, That every ſuch commiſ- 53
ſioner, before he enter on the duties above aſſigned, ſhall firſt take and ſubſcribe an oath or affirmation before any judge or juſtice of the peace of the county in which he ſhall reſide, faithful-

ly and impartially, to the beſt of his judgment, to execute the truſt repoſed in him by this act, and cauſe to be delivered to the preſident or any of the directors of the ſaid corporation, a certificate of ſuch judge or juſtice of his having taken the ſaid oath, or made the ſaid affirmation.

54 XVIII. *And be it further enacted*, That the ſaid Benjamin S. Carpenter, Joſeph Julliand, Eliſha Smith, John Johnſon, Eſick L. Hartſhorni, Frederick A. DeZeng, Jonathan Parker, and Platt Bruſh, and all ſuch others as ſhall aſſociate for the purpoſe of erecting a bridge over the Suſquehannah river, at or near the place where the Ulſter and Delaware turnpike road ſhall adjoin the Suſquehannah river, their ſucceſſors and aſſigns, ſhall be and hereby are created a body corporate and politic, by the name of
55 the preſident and directors of the Jerico bridge company; and they are hereby ordained, conſtituted and declared to be a body corporate and politic, in fact and in name, and by that name they and their ſucceſſors ſhall and may have continual ſucceſſion, and ſhall be capable in law of ſuing and being ſued, pleading and being impleaded, anſwering and being anſwered unto, defending and being defended, in all courts and places whatſoever, in all manner of actions, ſuits, complaints, matters and cauſes whatſoever, and they and their ſucceſſors, by the ſame name and ſtyle, ſhall be in law capable of purchaſing, holding, and conveying any eſtate, real and perſonal, for the uſe of the ſaid corporation: *Provided*, That ſuch eſtate, as well real as perſonal, ſo to be purchaſed and held, ſhall be neceſſary to fulfil the end and intent of the ſaid corporation, and to no other purpoſes whatſoever.

56 XIX. *And be it further enacted*, That the ſaid Benjamin S. Carpenter be and he is hereby appointed a commiſſioner to do and perform the ſeveral duties hereinafter mentioned, that is to ſay: he ſhall, on or before the fifteenth day of May next, fur-
57 niſh himſelf with a book, in which ſhall be written: "We whoſe names are hereunto ſubſcribed do, for ourſelves and our legal repreſentatives, ſeverally promiſe to pay the preſident and directors of the Jerico bridge company the ſum of fifty dollars, for every ſhare of the ſtock ſet oppoſite to our reſpective names, in ſuch manner and proportion, and at ſuch time and place as ſhall be determined by the ſaid preſident and directors;" who ſhall open the ſame at his dwelling houſe in the town of Jerico on the ſaid fifteenth day of May, at ten of the clock in the forenoon, and keep the ſame open from day to day (except Sundays) between the hours of ten in the forenoon and three in the afternoon, for the purpoſe of receiving ſubſcriptions, until the whole
58 number of two hundred ſhares are ſubſcribed for; that every ſubſcriber ſhall, at the time of ſubſcribing, pay unto the ſaid commiſſioner the ſum of three dollars for each ſhare ſo by him ſubſcribed, and that each ſhare of the ſaid ſtock ſhall conſiſt of
59 fifty dollars: That as ſoon as the whole number of ſhares ſhall have been ſubſcribed for, the ſaid commiſſioner ſhall cauſe an advertiſement to be inſerted in one of the public newſpapers printed in Kingſton in Ulſter county, and another to be poſted upon the door of the Jerico meeting houſe, giving at leaſt twen-

ty days previous notice of the time and place when and where the said subscribers shall meet to choose five directors, who shall be stockholders, for the purpose of managing the concerns of the company until the first Monday of November next after such election; and the said directors shall be chosen by ballot by the stockholders then present, at which said first election the said commissioner shall preside, and the said first Monday of November shall for ever thereafter be the anniversary day for choosing directors; and that at every subsequent election the stockholders present shall, by a plurality of votes, elect three of their number to preside at such election: That the persons so presiding shall receive the ballots at such election, and immediately after the election shall be closed shall openly estimate the votes, and thereupon make and subscribe a certificate of the result of such election, specifying the names of the stockholders so elected, and make return thereof immediately to the president and directors in office, whose duty it shall be to be convened on the said election day, and to give immediate notice to the persons so chosen directors of their being chosen, and to appoint the earliest and most convenient time and place for the first meeting of the said new directors, to whom they shall deliver or cause to be delivered over all the records, books, accounts and property of the said company: That at every such election for directors, 60
every stockholder shall, either in person or by proxy, be entitled to one vote for every share he shall hold in the stock of the said company: That if such election shall not be held on any day of the said annual election days, it shall be lawful to make such election at any other day to be appointed for that purpose by the said president and directors, in like manner and with like effect as if the same had been held at the usual time, and the directors in office shall in that case be incapacitated, after the said anniversary election day, from performing any act as directors other than such as may be necessary to give such election effect: That 61
any three of the said directors shall be a quorum, and capable of transacting the business of the said corporation, and any act of the majority of the directors so met shall be binding on the said corporation; and after every such election the said directors 62
elected shall immediately, after having met, proceed to elect by ballot one of their number for president; and the said president and directors may meet from time to time, at such place as they may find expedient and direct; and they shall have the power 63
to make such bye-laws, rules, orders and regulations, not inconsistent with the constitution and laws of this state or of the United States, as they shall deem necessary for the well ordering of the affairs of the said corporation: That in case of vacancy by death, 64
resignation, or otherwise, in the office of director, the other directors in office may, by a majority of votes, supply such vacancy until the next annual election day: That whenever the pre- 65
sident shall be absent from any of the meetings of the directors, the directors present may, by a plurality of votes, appoint another of their number president for the meeting, and they shall and may proceed and transact the business of the said corpora-

tion in like manner as if the president was present; and that at the first meeting of the first directors to be chosen as aforesaid by the stockholders, the said commissioner above named shall deliver his subscription book, and pay over all monies received by him on such subscriptions to the said president and directors:
6 That the president and directors of the said company shall at all times have power to appoint such officers, agents, clerks, artists, workmen, and others under them, as shall be necessary for executing the business of the said corporation.

7 XX. *And be it further enacted*, That the said bridge shall be built of good strong and sufficient materials not less than twenty feet wide, and shall be well secured with a good and sufficient railing on each side thereof, and not less than four feet high;
8 that in case the said bridge shall not be erected, built and completed on or before the first day of December in the year of our Lord one thousand eight hundred and eight, then and in such case this corporation shall be adjudged and considered as dissolved.

9 XXI. *And be it further enacted*, That as soon as the said bridge shall be completed, and the judges of the court of common pleas of the county of Chenango, or a majority of them, shall upon inspection certify under their hands, that the said bridge is well and sufficiently constructed and built, and will admit of the passage of loaded teams and other carriages, it shall and may be lawful for the said president and directors to erect a gate at either end of the said bridge, and demand, receive and take, for the use of the said corporation, a toll not exceeding the following rates, to wit: Every four wheel pleasure carriage drawn by two horses, twenty-five cents, if drawn by four horses, thirty-one cents; every two wheel pleasure carriage drawn by one horse, twelve and an half cents, and if drawn by two horses, fifteen cents; every waggon and two horses, nineteen cents, and if drawn by four horses, twenty-five cents; each sled and horses, nineteen cents; each ox waggon or cart and two oxen, nineteen cents; each additional yoke of oxen thereto, six cents; every one horse cart, twelve and an half cents; every one horse sled, ten cents; every ox sled drawn by one yoke of oxen, nineteen cents; and every additional yoke, six cents; every man and horse, six cents; every foot passenger, three cents; every horse, jack or mule, four cents; every cow or other neat cattle, two cents; every
0 sheep, hog or calf, one cent: And the said corporation shall cause to be affixed to each toll-gate a list of the rates of toll which
1 may be hereby lawfully demanded; and it shall and may be lawful for the president and directors at any time after the completion of the said bridge to lessen the rate of toll hereby established: *Provided*, the stockholders holding three fourths of the stock of the said corporation shall assent thereto.

2 XXII. *And be it further enacted*, That if the said bridge after the same shall be completed, shall be impassable for the term of thirty days for want of repairs, unless carried away by the ice or freshet or other unavoidable accident, or unless thrown down for the purpose of rebuilding the same, and if the same shall not

be rebuilt in two years, that the ſaid corporation ſhall be deemed to be forfeited thereby.

XXIII. *And be it further enacted*, That it ſhall and may be 73
lawful for the ſaid directors to call on and demand from the ſtockholders reſpectively, all ſuch ſums of money by them ſubſcribed or to be ſubſcribed, at ſuch times and in ſuch proportions as they ſhall ſee fit, under pain of forfeiture of their ſhares, and of all previous payments thereon, to the ſaid preſident and directors.

XXIV. *And be it further enacted*, That if any perſon or per- 74
ſons ſhall wilfully do or cauſe to be done, any act whatſoever whereby the ſaid bridge or any toll-gate, toll-houſe or any thing appertaining to the bridge or toll-gate, ſhall be impaired, weakened or injured, the perſon or perſons ſo offending ſhall forfeit and pay to the ſaid company, the ſum of ten dollars, to be recovered in an action of debt with coſts of ſuit, and ſhall moreover be liable to treble the amount of the damages ſuſtained by ſaid company with coſts of ſuit, to be recovered in an action of treſpaſs, in any court having cognizance thereof, which actions ſhall be conſidered in every inſtance tranſitory in their nature, and ſhall and may be brought and triable in any county in this ſtate.

XXV. *And be it further enacted*, That the ſaid preſident and 75
directors when they have completed and finiſhed the ſaid bridge, ſhall at all times thereafter, as well by night as by day, provide and keep a ſufficient perſon or perſons to attend the toll-gate on ſaid bridge, for the purpoſe of permitting all perſons applying with their property, to paſs over the ſame on receiving the toll hereby authorized to be exacted.

XXVI. *And be it further enacted*, That it ſhall not be law- 76
ful for any perſon or perſons to erect any bridge or eſtabliſh any ferry acroſs the ſaid Suſquehannah river within two miles, either above or below the bridge to be erected and maintained in purſuance of this act, except between the times the ſaid bridge ſhall be removed and rebuilt, or during the time the ſaid bridge ſhall not be paſſable, or forcibly to paſs the ſaid bridge without having previouſly paid to the toll-gatherer for the uſe of the ſaid corporation, the toll hereby eſtabliſhed for croſſing the ſaid bridge; but that every ſuch perſon or perſons ſhall, for every ſuch laſt offence or injury, forfeit and pay to the uſe of the ſaid corporation the ſum of ten dollars, to be recovered by the ſaid corporation, to their uſe, in an action of debt, with coſts of ſuit, in any court having cognizance thereof: *Provided nevertheless*, That nothing herein contained ſhall be conſtrued to prevent any perſon reſiding within two miles of the ſaid bridge from croſſing the ſaid river, to or from his or her houſe or land, with his or her own boat or craft, without being ſubject to the payment of any toll.

XXVII. *And be it further enacted*, That whenever, after the 77
full amount of the ſaid ſtock ſhall have been appropriated and expended by the ſaid preſident and directors, for the purpoſe of making and maintaining a bridge according to the true intent

and meaning of this act, and the ſaid ſtock ſhall be found inſufficient to effect the purpoſes of erecting and maintaining the ſaid bridge during the continuance of this incorporation, it ſhall and may be lawful for the preſident and directors at any time to increaſe or raiſe the funds of the ſaid corporation, by adding ſuch ſum or ſums as may be neceſſary from time to time, to each and every ſhare in the whole ſtock of the ſaid company, as the exigency ſhall in their opinion demand and require, which ſum or ſums, ſo to be added to each ſhare, ſhall be in an equal ratio upon each and every ſhare, to be collected and paid in the ſame manner as the ſaid original amount is made payable, ſubject on default of payment to the ſame pains and forfeitures as aforeſaid.

78 XXVIII. *And be it further enacted*, That the ſhares in the ſaid company ſhall be taken, deemed and conſidered to be perſonal eſtate, and ſhall and may be transferable, which transfers ſhall be made and inſerted in the books of the ſaid preſident and directors.

79 XXIX. *And be it further enacted*, That the ſaid preſident and directors ſhall, from the commencement of their organization, keep a regular and fair account of all buſineſs, tranſactions and expenditures done or authorized by them, as alſo an account of all monies received for toll for croſſing the ſaid bridge, which ſhall at all reaſonable times be open to the inſpection of any ſtockholder; and they ſhall make and declare a dividend of the clear profits and income (all contingent coſts and charges being firſt deducted) amongſt the ſtockholders of the ſaid corporation, and ſhall, on the firſt Tueſday of March and September in every year, publiſh the half yearly dividend to be made of the clear profits among the ſtockholders, and of the time and place when and where the ſame will be paid, and ſhall cauſe the ſame to be paid accordingly.

80 XXX. *And be it further enacted*, That if any toll-gatherer ſhall unreaſonably delay or hinder any traveller or paſſenger at either of the gates, or ſhall demand or receive more toll than is by this act eſtabliſhed for croſſing the ſaid bridge, he ſhall, for every ſuch offence, forfeit and pay the ſum of five dollars, to be proſecuted for and recovered before any juſtice of the peace in the county where ſuch offence ſhall be committed, for the ſole uſe of the perſon ſo unreaſonably delayed, hindered or defrauded.

81 XXXI. *And be it further enacted*, That from and after the expiration of the full term of one hundred years from the paſſing of this act, the ſaid bridge, with the appurtenances, ſhall become the property of and be veſted in the people of this ſtate.

82 XXXII. *And be it further enacted*, That this act ſhall be and the ſame is hereby declared a public act.

83 XXXIII. *And be it further enacted*, That if any toll-gatherer ſhall be convicted of either of the offences mentioned in this act, and it ſhall appear by the return of any execution to be iſſued againſt him on ſuch conviction, that the monies, or any part thereof, cannot be had from the defendant, the corporation

ſhall be held liable for the deficiency, and they ſhall not, until the payment thereof, receive any toll at ſuch gate at which the offence was committed.

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An ACT *to establish the Albany and Bethlehem Turnpike Company.*

Paſſed April 9th, 1804.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That George Merchant, 1
Francis Nicoll, John V. N. Yates, Iſrael Ranſom, Charles R. Webſter, Solomon Ruſſel, Robert S. Van Renſſelaer, John Beeckman, junior, and Sebaſtian Viſſcher, and all ſuch other perſons as ſhall aſſociate for the purpoſe of making a good and ſufficient road, from the corporation line of the city of Albany 2
to the Norman's-kill bridge, including the ſame, thence running weſterly on the Bethlehem road to the houſe of Joſhua

Babcock, junior, then from the Norman's-kill bridge, ſoutherly, to a ſmall bridge ſouth of James Van Renſſelaer's, including
3 the ſame; be and they are hereby created and made a body corporate and politic, by the name of "the preſident, directors and company of the Albany and Bethlehem turnpike road," and they are hereby ordained, conſtituted and declared to be a body corporate and politic, in fact and in name, and by that name they and their ſucceſſors, ſhall and may have continual ſucceſſion, and ſhall be perſons in law, capable of ſuing and being ſued, pleading and being impleaded, anſwering and being anſwered unto, defending and being defended in all courts and places whatſoever, in all manner of actions, ſuits, complaints, matters and cauſes whatſoever, and they and their ſucceſſors by the ſame name and ſtyle, ſhall be in law capable of purchaſing, holding and conveying any eſtate real and perſonal, for the uſe
4 of the ſaid corporation: *Provided*, That at the election of directors, each ſtockholder ſhall be entitled to one vote for each ſhare held by him to the number of fifty, and to one vote for every three ſhares, which he ſhall hold over and above fifty: *And provided further*, That ſuch eſtate, as well real as perſonal,
5 ſo to be purchaſed and held, ſhall be neceſſary to fulfil the end and intent of the ſaid corporation, and for no other purpoſe whatſoever.

6 II. *And be it further enacted*, That Francis Nicoll, Solomon Ruſſel, John Beeckman, junior, and Sebaſtian Viſſcher, be and they are hereby appointed commiſſioners, to do and perform the ſeveral duties herein after mentioned, that is to ſay: They ſhall on or before the firſt day of May next procure four books, one of which ſhall be left with each commiſſioner, and in each
7 of them enter as follows, viz. "We whoſe names are hereunto ſubſcribed, do for ourſelves and our legal repreſentatives, ſeverally and not jointly promiſe to pay to the preſident, directors and company of the Albany and Bethlehem turnpike road, the ſum of twenty-five dollars for every ſhare of ſtock in ſaid company ſet oppoſite our reſpective names, in ſuch manner and in ſuch proportion, and at ſuch time and place as ſhall be determined by the ſaid preſident, directors and company;" one of which books ſhall be left with each of ſaid commiſſioners, who ſhall immediately open the ſame, and keep open the ſame for the purpoſe of receiving ſubſcriptions; and every ſubſcriber ſhall at the time of ſubſcribing, pay unto either of the ſaid commiſſioners two dollars on each ſhare by him ſubſcribed; and the ſaid commiſſioners ſhall, as ſoon as two hundred ſhares are ſubſcribed, cauſe an advertiſement to be inſerted in two of the newſpapers printed in the city of Albany, giving at leaſt twenty days notice of the time and place, when and where ſuch ſubſcribers ſhall meet, to chooſe nine directors, who ſhall be ſtockholders, for the purpoſe of managing the concerns of the ſaid
0 corporation for one year; and the ſaid directors ſhall be choſen
1 by ballot, by the ſtockholders then preſent; and the firſt Tueſday of September in every year, ſhall for ever thereafter be the
2 anniverſary day for chooſing the ſaid directors; and five of the

said directors shall be a quorum, and capable of transacting the business of the said corporation, and every act of the majority of the directors so met, shall be binding on the said corporation, and 13
the said directors elected by a plurality of stockholders present, shall immediately proceed to elect by ballot, one of their number for president, and the said president and directors may meet from time to time at such place as they shall find expedient and direct; and they shall have power to make such bye-laws, rules, 14
orders and regulations, not inconsistent with the constitution and laws of the United States or of this state, as they shall deem necessary for the well ordering of the affairs of said corporation: *Provided*, That at the election of directors the stockholders not 15
present may vote by proxy for directors; and each stockholder 16
shall be entitled to one vote for every share he shall hold, not exceeding ten shares, and one additional vote for every five shares he shall hold above the number of ten shares: *And provided further*, That in case it shall at any time happen, that an 17
election of directors shall not be made upon any day when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but it shall be lawful on any other day, to hold and make an election in such manner as shall have been regulated by the laws and ordinances of the said corporation: And further, that each of 18
the said commissioners, before he shall open the books for subscription as aforesaid, shall execute a bond to the people of this state, with at least one good surety, to be approved of by the comptroller, in the penal sum of five thousand dollars, with a condition thereunder written, faithfully to execute the duties of his office, and to render a just and true account of all monies by him to be received, and to pay over the same to the said president and directors whenever thereunto required, which said bonds shall be deposited in the comptroller's office, and that in case of a breach of the condition of any such bond it shall be lawful for the said president and directors to receive the bond of any delinquent from the comptroller, and to put the same in suit at the cost and expense of the said president, directors and company and for their benefit.

III. *And be it further enacted*, That in case of the death, in- 19
ability or absence of the president, a quorum of the directors met may choose or appoint a president pro tempore, and shall and may proceed to transact business of the said corporation in like manner as if the president were present.

IV. *And be it further enacted*, That the said president and di- 20
rectors may continue to receive subscriptions to the stock of the said corporation until there shall be two hundred shares subscribed; and have power to appoint such officers, agents, clerks, art- 21
ists, workmen, and others under them, as shall be necessary for executing the business of said corporation.

V. *And be it further enacted*, That Benjamin Wallace, Albert 22
Pawling and Benjamin Smith are hereby appointed commissioners, whose duty it shall be to lay out such road according to the best of their judgment and understanding, without favour or par-

tiality, in ſuch manner that the object of the corporation and the general intereſt of the public ſhall be in the beſt manner effected; and it ſhall be the duty of the ſaid commiſſioners to depoſit and cauſe to be recorded in the office of the clerk of the county of Albany, an accurate map of the ſurvey of the ſame, de-
3 ſignating the particular points through which it ſhall paſs; and each of which commiſſioners for their ſervices as aforeſaid, ſhall be allowed at the rate of three dollars per day for every day they ſhall be neceſſarily employed in the ſervices as aforeſaid, to be paid, together with the expenſe of ſurveying and recording the
4 ſaid map, by the ſaid corporation; and the preſident and directors may contract and agree with the owners of the ſaid lands for the purchaſe of ſo much thereof as ſhall be neceſſary for the purpoſe of making the ſaid road, and for erecting and eſtabliſhing a gate and toll-houſe, and all other works to the ſaid road be-
5 longing; and in caſe of diſagreement between the ſaid parties with reſpect to the value of the lands ſo aforeſaid to be laid out, and the damages, if any, ſo to be done to the ſaid land; or if the owner or owners ſhall be feme covert, infane, under age, or out of the country, then, and in either ſuch caſe, it ſhall and may be lawful for the ſaid preſident and directors to apply to one of the judges of the court of common pleas in and for the county of Albany, not intereſted in the ſaid road, who is hereby authorized and required to nominate, and by an inſtrument ſigned by him, to appoint three appraiſers, being freeholders of the ſaid county, and who ſhall not be inhabitants of any town through which ſaid road ſhall paſs, or intereſted in the ſaid road; and it ſhall be the duty of the ſaid preſident and directors to give notice to the ſaid appraiſers of their appointment, who, or any two of them, ſhall thereupon name a day for meeting on the land and performing the duties required of them by this act, which days ſhall not be more than ten nor leſs than four days from ſuch notice of their appointment; and the ſaid preſident and directors ſhall give at leaſt four days notice to the owner or owners of ſuch land of the time when and the place where the ſaid appraiſers ſhall meet for the purpoſe of viewing ſaid land, and aſſeſſing the damages, except in caſe the owner or owners ſhall labour under any of the diſabilities aforeſaid, or be abſent, in either of which caſe a copy of ſuch notice may be left at the dwelling houſe of any of the party, or other notorious place on the land through which ſaid road ſhall paſs; and further, each of the ſaid appraiſers ſhall, before he proceeds to execute the truſt repoſed in him by this act, take and ſubſcribe an oath or affirmation in writing, before one of the juſtices of the peace of the ſaid county of Albany, and that he will, without favour or partiality, eſtimate and aſſeſs the damages which may be ſuſtained by the owner or owners of the land or improvements which the ſaid corporation may deem neceſſary to take and appropriate for the ſaid road; and the ſaid appraiſers ſhall then proceed to view the premiſes and having aſcertained the damages, ſhall make an inquiſition under their hands and ſeals, or under the hands and ſeals of any two of them, deſcribing the land and

ſtating the amount of the damages, if any, which each or any of the owner or owners of any parcel of land uſed or to be uſed for ſuch road have ſuſtained or will ſuſtain, which inquiſition ſhall be acknowledged by the appraiſers ſigning the ſame before one of the judges aforeſaid, and then by them filed, together with the affidavit aforeſaid, in the office of the clerk of the county of Albany, within thirty days after ſuch view ſhall be had and inquiſition made by the ſaid appraiſers; and the ſaid clerk ſhall, at the expenſe and coſts of the ſaid preſident, directors and company, enter the ſame of record in the book kept by him for recording deeds; and the preſident, directors and company aforeſaid, upon paying the ſaid ſeveral owners of the ſaid land the ſeveral ſums ſo aſſeſſed and awarded by the ſaid appraiſers in their ſaid inquiſition, ſhall and may have and hold to them, their ſucceſſors and aſſigns for ever, the lands and tenements in the ſaid inquiſition deſcribed: *Provided*, That nothing 26
in this act contained ſhall be conſtrued to authorize the ſaid preſident and directors to enter upon ſuch land for the purpoſe of making ſuch road thereon, until they ſhall have paid ſuch damages as may be agreed upon or appraiſed according to the proviſion of this act, if the ſame ſhall be lawfully demanded.

VI. *And be it further enacted*, That the ſaid preſident and di- 27
rectors ſhall pay to the judge who ſhall appoint the appraiſers to aſſeſs the damages aforeſaid, one dollar and fifty cents for his ſervices; and to each of the ſaid appraiſers for every day neceſſarily attending to perform the duties required by this act, two dollars and fifty cents.

VII. *And be it further enacted*, That the ſaid preſident, direc- 28
tors and company ſhall cauſe a road to be opened and kept open, four rods wide, and which ſhall be thirty feet between the ditches on each ſide thereof, twenty-eight feet whereof ſhall be faced with broken ſtone, or gravel well compacted together, of a depth not leſs than twelve inches, in ſuch a manner as to ſecure a firm, and as near as the materials will admit, an even ſurface, riſing to the middle by a gradual arch, and that the greateſt aſcent in the ſaid road ſhall not exceed fourteen inches in any one rod, and the ditches on the ſides of the ſaid road ſhall, where it may be practicable, be of a proper width, and ſufficiently level to form a good road for ſleighs, and where other roads ſhall interſect ſaid turnpike road, ſhall be ſo formed as that carriages may conveniently go on and off ſaid turnpike road.

VIII. *And be it further enacted*, That as ſoon as the preſident, 29
directors and company ſhall have completed the ſaid road, it ſhall be lawful for the ſaid preſident and directors to give notice thereof to the governor of this ſtate for the time being, who ſhall thereupon forthwith nominate and appoint three diſcreet freeholders, reſident in ſaid county, and not intereſted in any turnpike road, to view the ſame, and report to him in writing, whether the ſaid road is completed in a workmanlike manner, according to the true intent and meaning of this act; and if the report ſhall be in the affirmative, then it ſhall be the duty of the governor to whom they report, and he is hereby required, by licence under his

tiality, in ſuch manner that the object of the corporation and the general intereſt of the public ſhall be in the beſt manner effected; and it ſhall be the duty of the ſaid commiſſioners to depoſit and cauſe to be recorded in the office of the clerk of the county of Albany, an accurate map of the ſurvey of the ſame, de-
23 ſignating the particular points through which it ſhall paſs; and each of which commiſſioners for their ſervices as aforeſaid, ſhall be allowed at the rate of three dollars per day for every day they ſhall be neceſſarily employed in the ſervices as aforeſaid, to be paid, together with the expenſe of ſurveying and recording the
24 ſaid map, by the ſaid corporation; and the preſident and directors may contract and agree with the owners of the ſaid lands for the purchaſe of ſo much thereof as ſhall be neceſſary for the purpoſe of making the ſaid road, and for erecting and eſtabliſhing a gate and toll-houſe, and all other works to the ſaid road be-
25 longing; and in caſe of diſagreement between the ſaid parties with reſpect to the value of the lands ſo aforeſaid to be laid out, and the damages, if any, ſo to be done to the ſaid land; or if the owner or owners ſhall be ſeme covert, inſane, under age, or out of the country, then, and in either ſuch caſe, it ſhall and may be lawful for the ſaid preſident and directors to apply to one of the judges of the court of common pleas in and for the county of Albany, not intereſted in the ſaid road, who is hereby authorized and required to nominate, and by an inſtrument ſigned by him, to appoint three appraiſers, being freeholders of the ſaid county, and who ſhall not be inhabitants of any town through which ſaid road ſhall paſs, or intereſted in the ſaid road; and it ſhall be the duty of the ſaid preſident and directors to give notice to the ſaid appraiſers of their appointment, who, or any two of them, ſhall thereupon name a day for meeting on the land and performing the duties required of them by this act, which days ſhall not be more than ten nor leſs than four days from ſuch notice of their appointment; and the ſaid preſident and directors ſhall give at leaſt four days notice to the owner or owners of ſuch land of the time when and the place where the ſaid appraiſers ſhall meet for the purpoſe of viewing ſaid land, and aſſeſſing the damages, except in caſe the owner or owners ſhall labour under any of the diſabilities aforeſaid, or be abſent, in either of which caſe a copy of ſuch notice may be left at the dwelling houſe of any of the party, or other notorious place on the land through which ſaid road ſhall paſs; and further, each of the ſaid appraiſers ſhall, before he proceeds to execute the truſt repoſed in him by this act, take and ſubſcribe an oath or affirmation in writing, before one of the juſtices of the peace of the ſaid county of Albany, and that he will, without favour or partiality, eſtimate and aſſeſs the damages which may be ſuſtained by the owner or owners of the land or improvements which the ſaid corporation may deem neceſſary to take and appropriate for the ſaid road; and the ſaid appraiſers ſhall then proceed to view the premiſes and having aſcertained the damages, ſhall make an inquiſition under their hands and ſeals, or under the hands and ſeals of any two of them, deſcribing the land and

in the ſervice of or belonging to this ſtate or the United States, or from any perſon or perſons going to or returning from any training, where by the laws of this ſtate, they are required to attend, or from any perſon or perſons going to the city of Albany with wood or foſſil coal; and whenever any perſon or perſons ſhall claim to be exempt from paying toll by virtue of any of the exceptions aforeſaid, he, ſhe or they ſhall produce to the toll-gatherer ſufficient teſtimony that they are reſpectively entitled to be exempted as aforeſaid before they ſhall receive the benefit of any of ſuch exemption: *And provided alſo*, That not 35
more than one half the above toll ſhall be demanded or received for any waggon or other carriage paſſing upon the ſaid road the tire or track of the wheel whereof is more than ſix inches wide, nor more than one fourth of the above toll for thoſe above nine inches wide; and that all carriages, the tire or track of the wheel whereof is twelve inches wide, ſhall paſs ſaid road free without paying any toll whatever.

XI. *And be it further enacted*, That the preſident and directors 36
ſhall cauſe to be affixed and keep up at or over the gate, in ſome conſpicuous place where it may conveniently be read, a printed liſt of the rates of toll which may be lawfully demanded.

XII. *And be it further enacted*, That if any perſon or perſons 37
ſhall wilfully break or throw down the ſaid gate or turnpike, or ſhall dig up or ſpoil any part of ſaid road, or any thing thereunto belonging, or ſhall paſs forcibly the ſaid gate without having previouſly paid the legal toll, ſuch perſon or perſons ſhall for every ſuch offence or injury, forfeit and pay the ſum of five dollars, to be recovered by the ſaid corporation to their uſe, in an action of debt, with coſts of ſuit, in any court having cognizance thereof; and if any perſon or perſons ſhall with his team, car- 38
riage or horſe, turn out of the ſaid road to paſs the ſaid gate on ground adjacent thereto, and again enter on ſaid road, having paſſed the ſaid gate to avoid the payment of the toll due by this act; ſuch perſon or perſons ſhall forfeit and pay a fine not exceeding five dollars to be recovered in like manner by the ſaid corporation to their own uſe, with coſts of ſuit, in any court having cognizance thereof: *Provided always*, That perſons travelling to and from the city of Albany on the ice, ſhall not be conſidered as perſons turning out of the ſaid turnpike road to avoid paying the toll allowed by this act.

XIII. *And be it further enacted*, That it ſhall be the duty of the 39
governor to appoint three diſcreet and reputable freeholders, reſident in the ſaid county of Albany, and not intereſted in any turnpike road, inſpectors, to do and perform the ſeveral duties herein after mentioned, that is to ſay: Whenever complaint ſhall be made to either of them in writing, that the ſaid road is out of repair, from time to time to view and inſpect the ſaid road and ditches, and if he finds the ſame not to be in good order and repair, according to the true intent and meaning of this act, then and in 40
that caſe, he ſhall by a notice in writing ſigned by him, and left with the toll-gatherer, at ſuch gate as he ſhall think proper to be kept open, order and direct the ſaid gate to be kept open,

hand and the privy ſeal of the ſtate, to permit the ſaid preſident and directors to make and erect a gate and turnpike acroſs and upon or adjoining the bridge over the Norman's-kill, and to collect the duties and tolls herein after granted to the ſaid corporation from all perſons travelling or uſing the ſame.

30 IX. *And be it further enacted*, That it ſhall be the duty of the ſaid preſident, directors and company, whenever they ſhall erect ſuch gate as aforeſaid, to maintain and keep in repair, at their own coſt and expenſe, the preſent bridge over the ſaid Norman's kill, or to erect and maintain a good and ſufficient bridge over the ſaid kill on the ſaid turnpike road.

31 X. *And be it further enacted*, That as ſoon as the ſaid road ſhall be completed, and permiſſion ſo as aforeſaid granted to erect ſuch gate and turnpike upon and acroſs the ſame, it ſhall and may be lawful for the ſaid preſident and directors to appoint a toll-gatherer to collect and receive of and from all and every perſon or perſons uſing the ſaid road, at the ſaid gate, the tolls and duties herein after mentioned, and no more, that is to ſay:

32 For every ſcore of ſheep or hogs, ſix cents; for every ſcore of cattle, horſes or mules, twelve cents, and ſo in proportion for a greater or leſs number of ſheep, hogs, cattle, horſes and mules; for every horſe and rider or led horſe, three cents; for every ſulkey, chair or chaiſe with one horſe, eight cents; for every cart drawn by one horſe, three cents; for every chariot, coach, coachee, phaeton, drawn by two horſes, twelve and an half cents, and two cents for each additional horſe; for every covered ſtage waggon drawn by two horſes, eight cents, and two cents for each additional horſe; for every other waggon drawn by two horſes, mules or oxen, four cents, and one cent for each additional horſe, mule or ox; for every cart drawn by two horſes, mules or oxen, four cents, and one cent for each additional horſe, mule or ox; for every ſleigh or ſled drawn by two horſes, mules or oxen, four cents, and one cent for each additional horſe, mule or ox; for every one horſe ſleigh commonly called pung, four

33 cents; and it ſhall and may be lawful for the toll-gatherer to ſtop and detain any perſon riding, leading or driving any horſe, cattle, ſheep or hogs, ſulkey, chair, phaeton, chaiſe, cart, waggon, ſleigh, or other carriage of burthen or pleaſure, from paſſing through the ſaid turnpike gate until they ſhall have reſpectively

34 paid the toll as above ſpecified: *Provided*, That nothing in this act ſhall be conſtrued to entitle the ſaid corporation to demand or receive toll at any gate of or from any perſon paſſing to or from public worſhip, his farm, or a funeral, or to or from a griſt mill for the grinding of grain for his family's uſe, or to or from a blackſmith's ſhop to which he uſually reſorts, or from any perſon or perſons who are entitled to vote, when going to or returning from town meeting or election, for the purpoſe of giving a vote, or from any perſon going for or returning with a phyſician or midwife, or from any juror or witneſs going to or returning from court, having been legally ſummoned or ſubpœnaed, or from any troops in the ſervice of this ſtate or of the United ſtates, or for any artillery waggons and other carriages or ſtores of any kind

XVI. *And be it further enacted*, That the ſhares of the ſaid 47
turnpike road, ſhall be deemed and conſidered to be perſonal eſtate, and be transferable in ſuch manner as the ſaid preſident and directors may direct.

XVII. *And be it further enacted*, That the preſident and di- 48
rectors of the ſaid corporation ſhall keep a fair and juſt account of all monies received by the collector of toll on ſaid road, and ſhall make and declare a dividend of the clear profits and income (all contingent coſts and charges being firſt deducted) among the ſtockholders of the ſaid corporation, on the firſt Monday of May and November in every year, and ſhall publiſh the ſame among the ſtockholders, and the time and place when and where the ſame will be paid, and ſhall cauſe the ſame to be paid accordingly.

XVIII. *And be it further enacted*, That the ſaid preſident and 49
directors ſhall, within ſix months after the ſaid road ſhall be completed, lodge in the office of the comptroller of this ſtate an account of the expenſes thereof, and the corporation ſhall annually exhibit to the comptroller a true account of the dividends ariſing from ſaid toll with the annual diſburſements.

XIX. *And be it further enacted*, That it ſhall and may be law- 50
ful for the preſident and directors to demand from the ſtockholders reſpectively, all ſuch ſums of money by them ſubſcribed or to be ſubſcribed, at ſuch times and in ſuch proportions as they ſhall ſee fit, under pain of forfeiture of their ſhares, and all the 51
previous payments thereon, to the ſaid preſident, directors and company.

XX. *And be it further enacted*, That the legiſlature may diſ- 52
ſolve the ſaid corporation when the income ariſing from the ſaid toll, ſhall have paid and compenſated the ſaid corporation for all monies they may have expended in purchaſing and making ſaid road, together with an intereſt thereon of ten per cent per annum, 53
beſides the expenſe of repairing and taking care of ſaid road and ditches, and thereupon the right, intereſt and property of the ſaid corporation, ſhall be veſted in the people of this ſtate, and be and remain at their diſpoſal: *Provided*, That if the ſaid corporation ſhall not commence their operations within two years, and ſhall not within five years thereafter complete the ſame, according to the intent and meaning of this act, then and in either caſe this act ſhall ceaſe and be void and of no effect.

XXI. *And be it further enacted*, That the ſaid preſident, direc- 54
tors and company may commute by the year with any perſon or perſons that may paſs any or all of the ſaid gates, and they may at any time they may think it beneficial for the ſaid corporation, open and keep open the ſaid gate for a term not exceeding three months in any one year.

XXII. *And be it further enacted*, That this act ſhall be a public act.

XXIII. *And be it further enacted*, That the firſt directors to be 55
choſen by virtue of this act, ſhall continue in office until the firſt Tueſday of September next enſuing their election, any thing herein contained to the contrary notwithſtanding.

CHAP. XCVII.

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An ACT *to incorporate the Fall-Hill Turnpike and Bridge Company.*

Passed April 9th, 1804.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That William Alexander,
1 Evans Wharry, Christopher Bellinger, Robert Beasly, Joseph Herkimer, James Van Horne, Gaylord Griswold, Barnhard Hudson, and Nicholas Lawyer, and all such persons as shall associate for the purpose of erecting a substantial bridge across the Mo-
2 hawk river, opposite the village at the Little Falls, in the county
3 of Herkimer, and making a good and sufficient road from the house of Ira Crane, in the town of Minden, Montgomery county; from thence on the most convenient place, to the Mohawk river, opposite to a small store house, the property of James Van Horne; from thence along the bounds of the Mohawk river to the house lately occupied by Henry A. Vrooman, in the town of German-Flatts, in the county of Herkimer; from thence on the most
4 convenient place, to the house of Samuel Abbot, shall be and hereby are created and made a corporation and body politic, in fact and in name, by the name of "the president, directors and company of the Fall-hill turnpike and bridge company," and that by that name they shall be capable in law to purchase, have, hold, enjoy and retain, to them and their respective successors, lands,

tenements, hereditaments, goods, chattels and effects of every kind whatsoever, and the same, or any part thereof, to sell, grant, demise, alien or dispose of, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in courts of record or any other place whatsoever: *Provided how-* 5
ever, That the amount of the real estate which the said corporation are hereby authorized to purchase and hold, shall not exceed at the time of purchasing the same, the sum of five thousand dollars: *And provided further*, That such estate so to be purchased and held, shall be necessary to fulfil the end and intent of the corporation hereby created and made, and to no other use, intent and purpose whatsoever.

II. *And be it further enacted*, That William Alexander, James 6
Van Horne, Joseph Herkimer and Christopher Bellinger, be and they are hereby appointed commissioners to do and perform the several duties herein after mentioned, that is to say: they shall, on or before the first day of September next, procure four books, and in each of them enter as follows: "We whose names are 7
hereunto subscribed do, for ourselves and our legal representatives, promise to pay the president, directors and company of the Fall-hill turnpike and bridge company, the sum of ten dollars for every share of stock in the said company set opposite to our respective names, in such manner and proportion and such time and place as shall be determined by the president and directors of said company;" and one of said books shall be left with each of the said commissioners, at their respective places of abode, who shall keep the same open for the purpose of receiving subscriptions; and every subscriber shall at the time of subscribing, 8
pay unto either of the said commissioners the sum of two dollars for each share so subscribed; and the said commissioners shall, 9
as soon as four hundred shares have been subscribed, cause an advertisement to be inserted in one of the public newspapers printed in the city of Albany, and in the newspaper printed in the county of Herkimer, giving at least three weeks notice of the time and place the said subscribers shall meet for the purpose of 10
choosing seven directors, who shall be stockholders, for the purpose of managing the concerns of the said company for one year; and the day of choosing said directors shall for ever thereafter, be 11
the anniversary day for choosing directors; and any five of the 12
said directors shall be a quorum, and capable of transacting the concerns of the said corporation, and every act of the majority of the directors so met shall be binding on the said corporation; and the said directors, elected by a plurality of the votes of the 13
stockholders present, to be given upon the principles hereafter to be mentioned, shall immediately proceed to the choice of one of their number for president; and the said president and direc- 14
tors may meet from time to time, at such time and place as they may think expedient and direct, and shall have power to make such bye-laws, rules, orders and regulations, not inconsistent with the constitution or laws of this state or of the United States, as shall be necessary for the well ordering the affairs of the said corporation: *Provided*, That at the election of directors 15

16 the stockholders not present may vote by proxy for directors, and each stockholder shall be entitled to one vote for every share he shall hold not exceeding ten shares, and one additional vote for every five shares he shall hold above the number of ten shares: *Provided further*, That nothing in this act contained shall be construed to prevent the said stockholders to meet on any other day for the purpose of choosing directors, if by accident, or any other cause, they shall be prevented from meeting on the anniversary day of election.

17 III. *And be it further enacted*, That the said president and directors may continue to receive subscriptions to the stock of the said corporation, until there shall be one thousand two hundred
18 and fifty shares subscribed, and shall have power to appoint such agents, clerks, workmen and others under them, as shall be necessary for executing the business of the said corporation.

19 IV. *And be it further enacted*, That in case of the death, inability or absence of the president, a quorum of the directors met may choose or appoint a president pro tempore, and shall and may proceed and transact the business of the said corporation in the like manner as if the president were present.

20 V. *And be it further enacted*, That Solomon Devendorff, John Frank and Charles Ward are hereby appointed commissioners, whose duty, or a majority of them, it shall be, to lay out such road according to the best of their judgment and understanding, without favour or partiality, in such manner that the object of the corporation and the general interest of the public shall be in the best manner effected; and it shall be the duty of the said commissioners to deposit and cause to be recorded in the office of the clerk of the county of Herkimer, an accurate map of the survey of the same, designating the particular points through which it
21 shall pass; and each of which commissioners, for their services aforesaid, shall be allowed at the rate of two dollars and fifty cents a day for every day they shall necessarily be employed in the services aforesaid, to be paid, together with the expense of surveying and recording the said map, by the said corporation;
22 and the president and directors may contract and agree with the owners of the said land for the purchase of so much thereof as shall be necessary for the purpose of making the said road, and for erecting and establishing gates, toll-houses, and all other
23 works to the said road belonging; and in case of disagreement between the said parties with respect to the value of the lands so as aforesaid to be laid out, and the damages, if any, to be done to the said land, or if the owner or owners shall be feme covert, insane or under age, or out of the country, then, and in either such case, it shall and may be lawful for the said president and directors to apply to one of the judges of the court of common pleas in and for the county of Herkimer, not interested in the said road, who is hereby authorized and required to nominate, and by an instrument signed by him, to appoint, three appraisers, being freeholders of the said county, and who shall not be inhabitants of any town through which said road shall pass, or interested in said road; and it shall be the duty of the said presi-

dent and directors to give notice to the said appraisers of their appointment, who, or any two of them, shall thereupon name a day for meeting on the land and performing the duties required of them by this act, which shall not be more than ten nor less than four days from such notice of their appointment; and the said president and directors shall at least give four days notice to the owner or owners of such land, of the time when and the place where the said appraisers shall meet for the purpose of viewing the land and assessing the damages, except in case the owner or owners shall labor under any of the disabilities aforesaid or be absent, in either of which cases a copy of such notice may be left at the dwelling house of any of the parties, or other notorious place on the land through which said road shall pass; and further, each of the said appraisers shall, before he proceeds to execute the trust reposed in him by this act, take and subscribe an oath or affirmation, in writing, before one of the justices of the peace of the said county of Herkimer, that he will, without favor or partiality, estimate and assess the damages which may be sustained by the owner or owners of the land or improvements which the said corporation may deem necessary to take and appropriate for the said road; and the said appraisers shall then proceed to view the premises, and having ascertained the damages, shall make an inquisition under their hands and seals, or under the hands and seals of any two of them, describing the land and stating the amount of the damages, if any, which each or any of the owner or owners of any parcel of land used or to be used for such road, have sustained or will sustain, which inquisition shall be acknowledged by the appraisers signing the same before one of the judges aforesaid, and then by them filed, together with the affidavit aforesaid, in the office of the clerk of the county of Herkimer aforesaid, within thirty days after such view shall be had and inquisition made by the said appraisers; and the said clerk shall, at the expense and cost of the said president, directors and company, enter the same of record in the book kept by him for recording deeds; and the president, directors and company aforesaid, upon paying the several owners of the said land the several sums so assessed and awarded by the said appraisers in their said inquisition, shall and may have and hold to them, their successors and assigns for ever, the lands and tenements in the said inquisition described: *Provided*, That nothing in this act contained shall be construed to authorize the said president and directors to enter upon such land for the purpose of making such road thereon, until they shall have paid such damages as may be agreed upon or appraised, according to the provision of this act, if the same shall be lawfully demanded.

VI. *And be it further enacted*, That the president and directors shall pay to the judge who shall appoint the appraisers to assess the damages aforesaid, one dollar and fifty cents for his services; and to each of the said appraisers for every day necessarily attending to perform the duties required by this act, two dollars and fifty cents. 24

16 the stockholders not present may vote by proxy for directors, and each stockholder shall be entitled to one vote for every share he shall hold not exceeding ten shares, and one additional vote for every five shares he shall hold above the number of ten shares: *Provided further*, That nothing in this act contained shall be construed to prevent the said stockholders to meet on any other day for the purpose of choosing directors, if by accident, or any other cause, they shall be prevented from meeting on the anniversary day of election.

17 III. *And be it further enacted*, That the said president and directors may continue to receive subscriptions to the stock of the said corporation, until there shall be one thousand two hundred 18 and fifty shares subscribed, and shall have power to appoint such agents, clerks, workmen and others under them, as shall be necessary for executing the business of the said corporation.

19 IV. *And be it further enacted*, That in case of the death, inability or absence of the president, a quorum of the directors met may choose or appoint a president pro tempore, and shall and may proceed and transact the business of the said corporation in the like manner as if the president were present.

20 V. *And be it further enacted*, That Solomon Devendorff, John Frank and Charles Ward are hereby appointed commissioners, whose duty, or a majority of them, it shall be, to lay out such road according to the best of their judgment and understanding, without favour or partiality, in such manner that the object of the corporation and the general interest of the public shall be in the best manner effected; and it shall be the duty of the said commissioners to deposit and cause to be recorded in the office of the clerk of the county of Herkimer, an accurate map of the survey of the same, designating the particular points through which it 21 shall pass; and each of which commissioners, for their services aforesaid, shall be allowed at the rate of two dollars and fifty cents a day for every day they shall necessarily be employed in the services aforesaid, to be paid, together with the expense of surveying and recording the said map, by the said corporation; 22 and the president and directors may contract and agree with the owners of the said land for the purchase of so much thereof as shall be necessary for the purpose of making the said road, and for erecting and establishing gates, toll-houses, and all other 23 works to the said road belonging; and in case of disagreement between the said parties with respect to the value of the lands so as aforesaid to be laid out, and the damages, if any, to be done to the said land, or if the owner or owners shall be feme covert, insane or under age, or out of the country, then, and in either such case, it shall and may be lawful for the said president and directors to apply to one of the judges of the court of common pleas in and for the county of Herkimer, not interested in the said road, who is hereby authorized and required to nominate, and by an instrument signed by him, to appoint, three appraisers, being freeholders of the said county, and who shall not be inhabitants of any town through which said road shall pass, or interested in said road; and it shall be the duty of the said presi-

every sleigh or sled, six cents if drawn by two horses, mules or oxen, and in like proportion if drawn by a greater or less number of horses, mules or oxen; and it shall and may be lawful 28
for any toll-gatherer, to stop and detain any person riding, leading or driving any horse or horses, cattle, sheep or hogs, sulkey, chair, phaeton, chaise, cart, waggon, sleigh or other carriage of burthen or pleasure, from passing through the said turnpike gates, until they shall have paid the toll as above specified: *Provided*, That 29
nothing in this act shall be construed to entitle the said corporation to demand or receive toll at the gate upon the said turnpike road, of or from any person or persons passing to or from public worship, or from any person going to or returning from any training, where by a law of this state they are required to attend, or to or from any blacksmith's shop to which he usually resorts, or from any person or persons going to or returning from any election for the purpose of giving a vote, or any person going to or from any grist mill for the grinding of grain for his family use, or from any person going to or from any funeral, going for or returning with a physician or midwife, or from any juror or witness going to or returning from a court of record having been legally summoned or subpœnaed, or from any troops in the service of this state or of the United States, or for any artillery waggons, or other carriages or stores of any kind, in the service of or belonging to this state or the United States, and whenever any person shall claim to be exempted from paying toll by virtue of any of the exceptions aforesaid, he, she or they shall produce to the toll-gatherer sufficient testimony, that they are respectively entitled to be exempted as aforesaid, before they shall receive the benefit of any such exemptions: *And provided also*, 30
That no more than one half the above toll shall be demanded or received for any waggon or other carriage passing upon the said road, the tire or track of the wheel whereof is more than six inches wide, nor more than one fourth of the above toll for those above nine inches wide, and that all carriages the tire or track of the wheel whereof is twelve inches wide, shall pass said road free, without paying any toll whatever.

X. *And be it further enacted*, That the president and directors 31
shall cause to be affixed and kept up at or over each gate, in some conspicuous place where it may conveniently be read, a printed list of the rates of toll which may be lawfully demanded.

XI. *And be it further enacted*, That if any person or persons, 32
shall wilfully break or throw down any of the said gates or turnpikes, or shall dig up or spoil any part of said road, or any thing thereunto belonging, or shall pass forcibly either of the said gates, without having previously paid the legal toll, such person or persons shall for every such offence or injury, forfeit and pay the sum of twenty-five dollars, to be recovered by the said corporation to their use, in an action of debt, with costs of suit, in any court having cognizance thereof; and if any person or persons shall, with his team, carriage or horse, turn out of the said road to pass the said gate on ground adjacent thereto, and again enter on said road, having passed the said gate to avoid the pay-

25 VII. *And be it further enacted*, That the ſaid preſident, direc-rectors and company, ſhall cauſe a road to be opened and kept open four rods wide, and which ſhall be thirty-three feet between the ditches, except where rocks ſhall prevent the ſame to be of ſuch width, twenty five feet whereof ſhall be bedded with ſtone or ſome other hard ſubſtance, ſo as to enſure a good and ſolid foundation, and ſhall be faced with gravel or broken ſtone or ſome other hard ſubſtance, of a depth not leſs than ſix inches, in ſuch a manner as to ſecure a firm, and as near as may be an even ſurface, riſing to the middle by a gradual arch, and that the greateſt aſcent in the ſaid road ſhall not exceed fourteen inches in any one rod, and that the ditches on the ſides of the ſaid road ſhall, where it may be practicable, be of a proper width and ſufficiently level to form a good road for ſleighs, and where other roads ſhall interſect ſaid turnpike road, ſhall be ſo formed as that carriages may conveniently go on and off ſaid turnpike road.

26 VIII. *And be it further enacted*, That as ſoon as the preſident, directors and company ſhall have completed the bridge upon and acroſs the Mohawk river, at the Little-falls herein after mentioned, and the ſaid road, it ſhall be lawful for the ſaid preſident and directors to give notice thereof to the governor of this ſtate for the time being, who ſhall thereupon forthwith nominate and appoint three diſcreet freeholders reſident in the counties of Montgomery or Herkimer, and not intereſted in any turnpike road, to view the ſame, and report to him in writing, whether the ſaid bridge and road are completed in a workmanlike manner, according to the true intent and meaning of this act, and if the report ſhall be in the affirmative, then it ſhall be the duty of the governor, and he is hereby required, by licence under his hand and the privy ſeal of the ſtate, to permit the preſident and directors to make and erect one gate and turnpike acroſs and upon the ſaid bridge, and another upon the ſaid road, and to collect the duties and tolls herein after granted to the ſaid corporation from all perſons travelling or uſing the ſame.

27 IX. *And be it further enacted*, That as ſoon as the ſaid bridge and road ſhall be completed, and permiſſion ſo as aforeſaid granted to erect a gate and turnpike upon and acroſs the ſame, it ſhall and may be lawful for the ſaid preſident and directors to appoint toll-gatherers to collect and receive of and from all and every perſon or perſons uſing the ſaid bridge and road, at ſaid gates, the tolls and duties herein after mentioned, and no more, that is to ſay: For every ſcore of ſheep or hogs, eight cents; for every ſcore of horſes, cattle or mules, eighteen cents; for every horſe, rode, led or driven, four cents; for every chair, ſulkey or chaiſe, with one horſe, ſix cents; for every cart, drawn by one horſe or mule, ſix cents; for every chariot, coach, coachee or phaeton, twenty-five cents; for every ſtage, waggon, or other four wheel carriage, drawn by two horſes, mules or oxen, twelve and an half cents, and three cents for every additional mule or ox, and in like proportion, if drawn by a greater or leſs number of horſes, mules or oxen; for every cart, drawn by two oxen, ſix cents, and three cents for every additional ox or horſe; for

every sleigh or sled, six cents if drawn by two horses, mules or oxen, and in like proportion if drawn by a greater or less number of horses, mules or oxen; and it shall and may be lawful 28
for any toll-gatherer, to stop and detain any person riding, leading or driving any horse or horses, cattle, sheep or hogs, sulkey, chair, phaeton, chaise, cart, waggon, sleigh or other carriage of burthen or pleasure, from passing through the said turnpike gates, until they shall have paid the toll as above specified: *Provided*, That 29
nothing in this act shall be construed to entitle the said corporation to demand or receive toll at the gate upon the said turnpike road, of or from any person or persons passing to or from public worship, or from any person going to or returning from any training, where by a law of this state they are required to attend, or to or from any blacksmith's shop to which he usually resorts, or from any person or persons going to or returning from any election for the purpose of giving a vote, or any person going to or from any grist mill for the grinding of grain for his family use, or from any person going to or from any funeral, going for or returning with a physician or midwife, or from any juror or witness going to or returning from a court of record having been legally summoned or subpœnaed, or from any troops in the service of this state or of the United States, or for any artillery waggons, or other carriages or stores of any kind, in the service of or belonging to this state or the United States, and whenever any person shall claim to be exempted from paying toll by virtue of any of the exceptions aforesaid, he, she or they shall produce to the toll-gatherer sufficient testimony, that they are respectively entitled to be exempted as aforesaid, before they shall receive the benefit of any such exemptions: *And provided also*, 30
That no more than one half the above toll shall be demanded or received for any waggon or other carriage passing upon the said road, the tire or track of the wheel whereof is more than six inches wide, nor more than one fourth of the above toll for those above nine inches wide, and that all carriages the tire or track of the wheel whereof is twelve inches wide, shall pass said road free, without paying any toll whatever.

X. *And be it further enacted*, That the president and directors 31
shall cause to be affixed and kept up at or over each gate, in some conspicuous place where it may conveniently be read, a printed list of the rates of toll which may be lawfully demanded.

XI. *And be it further enacted*, That if any person or persons, 32
shall wilfully break or throw down any of the said gates or turnpikes, or shall dig up or spoil any part of said road, or any thing thereunto belonging, or shall pass forcibly either of the said gates, without having previously paid the legal toll, such person or persons shall for every such offence or injury, forfeit and pay the sum of twenty-five dollars, to be recovered by the said corporation to their use, in an action of debt, with costs of suit, in any court having cognizance thereof; and if any person or persons shall, with his team, carriage or horse, turn out of the said road to pass the said gate on ground adjacent thereto, and again enter on said road, having passed the said gate to avoid the pay-

ment of the said toll due by this act, such person or persons shall forfeit and pay a sum not exceeding five dollars, to be recovered in like manner by the said corporation, to their own use, with costs of suit, in any court having cognizance thereof.

33 XII. *And be it further enacted*, That it shall be the duty of the governor to appoint three discreet and reputable freeholders, resident in the counties of Montgomery or Herkimer, and not interested in any turnpike road, inspectors, to do and perform the several duties herein after mentioned, that is to say, whenever any complaint shall be made to either of them in writing, that the said road is out of repair, from time to time to view and inspect the said road or bridge and ditches, and if he finds the same not to be in good order and repair, according to the true intent and meaning of this act, then and in that case he shall, by notice in writing, signed by him, and left with the toll-gatherer at such gate, order and direct the said gate to be kept open until the said road or bridge shall be sufficiently repaired, according to the true intent and meaning of this act; and that whenever the said president and directors shall have sufficiently repaired the road or bridge as aforesaid, they shall give notice to the inspector, who signed the order as aforesaid, or in case of his absence or inability to attend, to some one of the other inspectors, who shall, within three days thereafter, again view and inspect the said road or bridge, and if he finds the same sufficiently repaired as aforesaid, he shall, by an instrument in writing signed by him, license and per-
34 mit the said gate or gates to be again shut; and if the said corporation or toll-gatherer shall ask or receive any toll of or from any person or persons for using the said road or bridge, at either of the said gates so ordered to be opened during the time they are ordered to be kept open as aforesaid, the president and directors shall, for every such offence, forfeit and pay the sum of twenty-five dollars, to be recovered by the said person or persons from whom they have so received toll, with costs of suit, before any court having cognizance thereof.

35 XIII. *And be it further enacted*, That if either the complainant or the president, directors and company, shall feel themselves aggrieved by the decision of the said inspector, he or they may appeal to the whole of the said inspectors, whose decision, or any two of them, shall be conclusive in the premises; and the said inspector or inspectors shall respectively receive for every day he or they shall be necessarily engaged in the view, inspection or appeal aforesaid, two dollars and fifty cents per day, to be paid by the said president, directors and company, unless the said inspector or inspectors shall determine such complaint or appeal to be unfounded, and in that case the complainant shall pay the same, for which he shall give sufficient security at the time of making such complaint or appeal, and whenever the said inspectors shall determine the said complaint well founded, the said president, directors and company shall pay the said complainant the sum of three dollars, and if upon an appeal the decision of the inspectors as aforesaid shall be in favor of the original complainant, the said president, directors and company

ſhall pay the ſaid complainant the ſum of ten dollars, to be recovered by the ſaid complainant, with coſts of ſuit, before any court having cognizance thereof.

XIV. *And be it further enacted*, That if any toll-gatherer ſhall 36
unreaſonably delay or hinder any traveller or paſſenger at either of the ſaid gates, or ſhall demand and receive more toll than is by this act eſtabliſhed, the ſaid preſident, directors and company ſhall, for every ſuch offence, forfeit and pay ten dollars, to be recovered by any perſon ſo unreaſonably detained, for his own uſe, with coſts of ſuit, in any court having cognizance thereof.

XV. *And be it further enacted*, That the ſhares of the ſaid 37
turnpike road and bridge company, ſhall be deemed and conſidered to be perſonal eſtate, and be transferable in ſuch a manner as the ſaid preſident and directors may direct: *Provided*, That it ſhall not at any time be held by any perſon not a citizen of this ſtate or the United States.

XVI. *And be it further enacted*, That the preſident and di- 38
rectors of the ſaid corporation, ſhall keep a fair and juſt account of all monies received by the collector of toll on ſaid road and bridge, and ſhall make and declare a dividend of the clear profits and income, all contingent coſts and charges being firſt deducted, among the ſtockholders of the ſaid corporation, on the firſt day of June in every year, and ſhall publiſh the ſame among the ſtockholders, and the time and place when and where the ſame will be paid, and ſhall cauſe the ſame to be paid accordingly.

XVII. *And be it further enacted*, That the preſident and di- 39
rectors ſhall, within ſix months after the ſaid road ſhall be completed, lodge in the office of the comptroller of this ſtate an account of the expenſes thereof, and the corporation ſhall annually exhibit to the comptroller a true account of the dividend ariſing from ſaid toll, with the annual diſburſements.

XVIII. *And be it further enacted*, That it ſhall and may be 40
lawful for the preſident and directors, to demand from the ſtockholders reſpectively, all ſuch ſums of money by them ſubſcribed or to be ſubſcribed, at ſuch times and in ſuch proportions as they ſhall ſee fit, under pain of forfeiture of their ſhares, and all the previous payments thereon, to the ſaid preſident, directors and company.

XIX. *And be it further enacted*, That the legiſlature may diſ- 41
ſolve the ſaid corporation when the income ariſing from the ſaid toll ſhall have paid and compenſated the ſaid corporation for all monies they may have expended in purchaſing and making ſaid road and bridge, together with an intereſt of ten per cent per 42
annum beſides the expenſe of repairing and taking care of ſaid road, bridge and ditches, and thereupon the right, intereſt and property of the ſaid corporation ſhall be veſted in the people of this ſtate, and be and remain at their diſpoſal: *Provided*, The ſaid corporation ſhall not commence their operations within two years from and after the firſt day of June next, and ſhall not, within three years thereafter, complete the ſame, according to the intent and meaning of this act, then and in either caſe this act ſhall ceaſe and be void and of no effect.

43 XX. *And be it further enacted*, That the ſaid preſident, directors and company may commute by the year with any perſon or perſons that may paſs the ſaid gates, and they may at any time they may think it beneficial for the ſaid corporation, open and keep open the ſaid gates for a term not exceeding three months in any one year.

44 XXI. *And be it further enacted*, That the bridge acroſs the river at the village of the Little-falls, ſhall be built of ſuch materials as the preſident and directors ſhall think moſt proper, ſo as to make a good and ſubſtantial bridge; and that ſaid bridge ſhall be at leaſt eighteen feet wide, with good and ſufficient railings on each ſide of ſaid bridge, and that the rates of toll ſhall be the ſame with that of the road in every particular; and in caſe the ſaid bridge ſhall be carried away by flood, or otherwiſe deſtroyed, it ſhall be the duty of the ſaid preſident, directors and company to rebuild the ſame within two years thereafter; or in caſe the ſaid bridge ſhall be declared out of repair by the inſpectors, to be appointed by the governor as aforeſaid, the ſaid bridge ſhall be by them repaired within thirty days thereafter.

45 XXII. *And be it further enacted*, That there ſhall be but one gate erected upon and acroſs the ſaid turnpike road, which ſaid gate ſhall be placed eaſt of the road leading from the ſaid bridge to the ſaid turnpike road, and one for the ſaid bridge, which may be erected either upon the ſaid bridge or the ſaid road leading
46 from that to the ſaid turnpike, which ſaid laſt mentioned road ſhall be alſo worked and built, and kept in repair, by the ſaid preſident, directors and company, in the ſame manner as the aforeſaid turnpike road is by this act directed to be worked and built, and kept in repair.

XXIII. *And be it further enacted*, That this act ſhall be a public act.

CHAP. XCVIII.

An ACT *to amend the Act, entitled "An Act to incorporate the Mohawk Turnpike and Bridge Company."*

Paſſed April 9th, 1804.

WHEREAS the preſident and directors of the Mohawk turnpike and bridge company have, by their petition, repreſented that the ſtock allowed to be raiſed by the act for incorporating the ſaid company is found inadequate for the purpoſes therein intended: Therefore,

I. BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That it ſhall and may be lawful for the preſident, directors and company to receive further ſubſcriptions to the ſtock of ſaid company, to the amount of eight hundred ſhares.

II. *And be it further enacted*, That if any toll-gatherer ſhall be convicted of either of the offences mentioned in the act hereby amended, and it ſhall appear by the return of any execution to

be iſſued againſt him on ſuch conviction, that the monies, or any part thereof, cannot be had from the defendant, the corporation ſhall be held liable for the deficiency.

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An ACT *to establish a Turnpike Corporation for improving and making a Road in the Town of Chatham, and County of Columbia.*

Paſſed April 10th, 1804.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Peter I. Voſburgh, Bartholomew I. Van Volkenburgh, John Goes, junior, Medad Butler, John Rogers, Abraham I. Van Vleck, John A. Van Buren, Lupton Warner, and all ſuch others as ſhall aſſociate for the purpoſe of making a good and ſufficient road, to run in the moſt direct and convenient route as far as circumſtances will admit, from the eaſt end of the bridge near the mill of James Brebner, in the town of Chatham, in the county of Columbia, to the bridge near the houſe of Job Northrop in ſaid town; thence

branching in two directions, the one to interſect the Union turnpike road near the dwelling houſe of Anſon Pratt, and the other to paſs the dwelling houſe of the aforeſaid Job Northrop, until it interſects the line of the town of Canaan, near the dwelling houſe of Samuel Foote, their ſucceſſors and aſſigns, be and they are hereby created and made a body corporate and politic,
3 by the name of "the preſident, directors and company of the Chatham turnpike road," and they are hereby ordained, conſtituted and declared to be a body corporate and politic, in fact and in name, and by that name they and their ſucceſſors ſhall and may have continual ſucceſſion, and ſhall be perſons in law capable of ſuing and being ſued, pleading and being impleaded, anſwering and being anſwered unto, defending and being defended, in all courts and places whatſoever, in all manner of actions, ſuits, complaints, matters and cauſes whatſoever; and they and their ſucceſſors, by the ſame name and ſtyle, ſhall be in law capable of purchaſing, holding and conveying any eſtate,
4 real and perſonal, for the uſe of the ſaid corporation: *Provided*, That the amount of ſuch real eſtate, which the ſaid corporation are hereby authorized to purchaſe and hold, ſhall not exceed at the time of purchaſing the ſame five hundred dollars: *And provided further*, That ſuch eſtate, as well real as perſonal, ſo to be purchaſed and held, ſhall be neceſſary to fulfil the end and intent of the ſaid corporation, and to no other purpoſe whatſoever.

5 II. *And be it further enacted*, That Peter I. Voſburgh, John Rogers, Peter Van Alſtyne, James Brebner, John Whiting and Reuben Swift, be and they are hereby appointed commiſſioners, to do and perform the ſeveral duties herein after mentioned, that is to ſay: They ſhall, on or before the firſt day of June next,
6 procure ſix books, and in each of them enter as follows: "We whoſe names are hereunto ſubſcribed, do for ourſelves promiſe to pay to the preſident, directors and company of the Chatham turnpike road, the ſum of twenty-five dollars, for every ſhare of ſtock in ſaid company ſet oppoſite to our reſpective names, in ſuch manner and proportion, and at ſuch time and place, as ſhall be determined by the ſaid preſident, directors and company," one of which books ſhall be left with each of the ſaid commiſſioners at their reſpective places of abode, who ſhall immediately open the ſame and keep open the ſame for the purpoſe of re-
7 ceiving ſubſcriptions; and every ſubſcriber ſhall, at the time of ſubſcribing, pay unto either of the ſaid commiſſioners five dollars for each ſhare by him ſubſcribed, which ſhall be conſidered
8 as part of the twenty-five dollars, for each ſhare; and the ſaid commiſſioners ſhall, as ſoon as two hundred ſhares are ſubſcribed, cauſe an advertiſement to be inſerted in the newſpapers printed in the city of Hudſon, giving at leaſt ſixty days notice of the time and place, when and where the ſame ſubſcribers ſhall
9 meet, to chooſe ſeven directors, who ſhall be ſtockholders, for the purpoſe of managing the concerns of the company for one
10 year; and the ſaid directors ſhall be choſen by baliot, by the ſtockholders then preſent, and the day of chooſing the ſaid di-

rectors, ſhall for ever thereafter be the anniverſary day of chooſing directors; and five of ſaid directors ſhall be a quorum, 11
and capable of tranſacting the buſineſs of the ſaid corporation, and every act of a majority of the directors ſo met ſhall be binding on ſaid corporation; and the ſaid directors, elected by a plu- 12
rality of the votes of the ſtockholders preſent, ſhall immediately proceed to elect by ballot one of their number for preſident, and the ſaid preſident and directors may meet from time to time at ſuch place as they may find expedient and direct; and they 13
ſhall have power to make ſuch bye-laws, rules, orders and regulations, not inconſiſtent with the conſtitution or laws of the United States or of this ſtate, as they ſhall deem neceſſary for the well ordering the affairs of ſaid corporation: *Provided*, That 14
at the election of directors the ſtockholders not preſent, may vote by proxy for directors; and each ſtockholder ſhall be entitled to 15
one vote for every ſhare he ſhall hold under the number of ten ſhares, and one additional vote for every five ſhares he ſhall hold above the number of ten ſhares.

III. *And be it further enacted*, That in caſe of the death, ab- 16
ſence or inability of the preſident, a quorum of the directors met may chooſe or appoint a preſident pro tempore, and ſhall and may proceed and tranſact buſineſs of the ſaid corporation, in like manner as if the preſident were preſent.

IV. *And be it further enacted*, That the ſaid preſident and di- 17
rectors may continue to receive ſubſcriptions to the ſaid ſtock of ſaid corporation, until there ſhall have been four hundred ſhares ſubſcribed, and ſhall have power to appoint ſuch officers, agents, clerks, artiſts, workmen, and others under them, as ſhall be neceſſary for executing the buſineſs of the ſaid corporation.

V. *And be it further enacted*, That Peter A. Van Bergen, Ste- 18
phen Miller and Benjamin Birdſall, or any two of them, ſhall be commiſſioners to lay out and ſurvey ſuch tracts or routes as ſhall be deemed by them moſt practicable for making a good and ſufficient road between the places aforeſaid.

VI. *And be it further enacted*, That the ſaid corporation, by 19
the preſident and directors, or by any agent, ſuperintendent and artiſt, or other perſon or perſons employed in their ſervice, may enter into and upon the land ſo laid out by the ſaid commiſſioners, to conſtruct and make the ſaid road; and the ſaid preſident and 20
directors may contract and agree with the owners of the ſaid land for the purchaſe of ſo much thereof as ſhall be neceſſary for the purpoſe of making ſaid road, and for erecting and eſtabliſhing one gate and toll-houſe, and all other works to the ſaid road belonging; and in caſe of diſagreement between the ſaid parties 21
with reſpect to the value of the ſaid land, ſo as aforeſaid to be laid out, and the damages, if any, to be done to the ſaid land, or if the owner or owners ſhall be femes covert, inſane, under age, or out of the ſtate, then, and in either ſuch caſe, it ſhall and may be lawful for the ſaid preſident and directors to apply to one of the judges of the court of common pleas in and for the county of Columbia, not intereſted in the ſaid road, who is hereby authorized and required to nominate, and by an inſtrument in

writing, signed by him, to appoint three commissioners, being freeholders of the said county, and who shall not be inhabitants of the said town of Chatham, or interested in the said road; and it shall be the duty of the said president and directors to give notice to the said commissioners of their appointment, who, or any two of them, shall thereupon name a day for meeting on the land and performing the duties required of them by this act; which days shall not be more than ten nor less than four days from such notice of their appointment; and the said president and directors shall give at least four days notice to the owner or owners of such land, of the time when and place where the said commissioners shall meet for the purpose of viewing the land and assessing the damages, except in case the owner or owners shall labor under any of the disabilities aforesaid, or be absent, in either of which cases a copy of such notice shall be left at the dwelling house of any of the party, if within the distance of three miles from the said road, otherwise on some notorious place on the land through which such road shall pass; and further, each of the said commissioners shall, before he proceeds to execute the trust reposed in him by this act, take and subscribe an oath or affirmation in writing, before one of the justices of the peace of the county of Columbia, that he will, without favor or partiality, estimate and assess the damages which may be sustained by the owner or owners of the land or improvements which the said corporation shall take and appropriate for the said road; and the said commissioners shall then proceed to view the premises, and having ascertained the damages, shall make an inquisition under their hands and seals, or under the hands and seals of any two of them, describing the land and stating the amount of the damages, if any, which each or any of the owner or owners of any parcel of land used or to be used for such road, have sustained or will sustain, which inquisition shall be acknowledged by the said commissioners, signing the same before one of the judges aforesaid, and then filed, together with the affidavit aforesaid, in the office of the clerk of the county of Columbia, within thirty days after such view shall be had and made by the said commissioners; and the said clerk shall, at the expense and costs of the said president, directors and company, enter the same of record in the book kept by him for recording deeds; and the president, directors and company aforesaid, upon paying the said several owners of the said land the several sums so assessed and awarded by the said inquisition, shall and may have and hold to them, their successors and assigns for
22 ever, the lands and tenements therein described: *Provided*, That nothing in this act contained shall be construed to authorize the said president and directors to enter upon such land, and to make such road thereon, until they shall have paid or tendered such damages as may be agreed upon or appraised according to the provisions of this act.

23 VII. *And be it further enacted*, That the said president and directors shall pay to the judge who shall appoint the said last mentioned commissioners, one dollar and fifty cents, and to each of

the ſaid laſt mentioned commiſſioners, and to each of the commiſſioners appointed by this act to lay out and ſurvey the ſaid road, for every day neceſſarily attending to perform the duties required of them by this act, two dollars and fifty cents.

VIII. *And be it further enacted*, That the ſaid road ſo to be 24
laid out ſhall not be leſs than four nor more than ſix rods wide, as the commiſſioners who lay out the ſame ſhall deem neceſſary, twenty-eight feet whereof ſhall be bedded with ſtone or gravel, well compacted together, and of a ſufficient depth to ſecure a good and ſolid foundation for the ſame; and the ſaid road ſhall be faced with gravel or ſtone, in ſuch manner as to ſecure a firm and, as near as the materials will admit, an even ſurface, riſing towards the middle by a gradual arch; and there ſhall be ditches on each ſide of the ſaid road where it may be practicable, of a proper width, and ſufficiently level to form a good road for ſleighs.

IX *And be it further enacted*, That as ſoon as the preſident, 25
directors and company ſhall have completed the ſaid road, it ſhall be lawful for the ſaid preſident and directors to give notice to the perſon adminiſtering the government of this ſtate, who ſhall thereupon forthwith nominate and appoint three commiſſioners, not intereſted in any turnpike road, to view the ſame, and report to him in writing, whether the ſaid road is completed in a workmanlike manner, according to the true intent and meaning of this act; and if the report ſhall be in the affirmative, then it ſhall be the duty of the governor to whom they report, and he is hereby required by licence under his hand and the privy ſeal of the ſtate, to permit the ſaid preſident and directors to erect and permanently fix one toll-gate upon and acroſs ſaid road, near the houſe of the ſaid Job Northrop, to collect the duties and tolls herein after granted to the ſaid corporation, from all perſons travelling or uſing the ſame.

X. *And be it further enacted*, That as ſoon as the ſaid road ſhall 26
be completed and permiſſion granted to erect a gate upon and acroſs the ſame, it ſhall and may be lawful for the ſaid preſident and directors to appoint a toll-gatherer to collect and receive of and from all and every perſon or perſons uſing the ſaid road at the ſaid gate, the tolls and duties herein after mentioned, and no more, that is to ſay: For every ſcore of ſheep or hogs, four 27
cents, and in proportion for a greater or leſs number; for every ſcore of cattle, horſes or mules, fourteen cents, and in proportion for a greater or leſs number; for every horſe, rode, led or driven, three cents; for every chair, ſulkey or chaiſe, with one horſe, eight cents, and for every additional horſe, two cents; for every cart, drawn by one horſe, ſix cents; for every chariot, coach, coachee or phaeton, twenty-five cents; for every ſtage, waggon, or other four wheeled carriage, drawn by two horſes, nine cents, and two cents for every additional horſe, mule or ox; for every cart, drawn by two oxen, nine cents, and two cents for every additional ox; for every ſleigh or ſled, four cents, if drawn by two horſes or oxen, and in like proportion if drawn by a greater or leſs number of horſes or oxen; and it ſhall and may 28
be lawful for the toll-gatherer to ſtop and detain any perſon rid-

ing, leading or driving any horse, cattle, sheep or hogs, sulkey, chair, chaise, phaeton, cart, waggon, sleigh, or other carriage of burthen or pleasure, from passing through the said turnpike gate until they shall respectively have paid the toll as above specified:

29 *Provided*, That nothing in this act shall be construed to entitle the said corporation to demand or receive toll of or from any person, passing to or from public worship, a funeral or to or from a grist mill, for the grinding of grain for his family's use, or to or from a blacksmith's shop to which he usually resorts, or from any person residing within one mile from the said gate, or from any person or persons who are entitled to vote, when going to or returning from town meeting or election, for the purpose of giving a vote, or from any person going for or returning with a physician or midwife, or from any juror or witness going to or returning from any court, having been legally summoned or subpœnaed, or from any person or persons going to or returning from any training, where by the laws of this state they are required to attend.

30 XI. *And be it further enacted*, That the president and directors shall cause to be affixed at or over the said turnpike gate, a printed or painted list of the rates of toll which may be lawfully demanded.

31 XII. *And be it further enacted*, That if any person or persons shall break or throw down, or shall dig up or spoil any part of said road, or any thing thereunto belonging, or shall pass said gate without having previously paid the legal toll; such person or persons shall, for every such offence or injury, forfeit and pay a fine of twenty-five dollars, to be recovered by the treasurer of said corporation, to their use, in an action of debt, with costs of suit, in

32 any court having cognizance of the same; and if any person or persons shall, with his team or teams, carriage or horse, turn out of the said road to pass the said gate, on ground adjacent thereto, and again enter on said road, having passed the said gate, to avoid the payment of the toll due by this act, such person or persons shall forfeit and pay a fine not exceeding five dollars, to be recovered in like manner by the treasurer of the corporation, to their use, with costs of suit.

33 XIII. *And be it further enacted*, That if the toll-gatherer shall unreasonably delay or hinder any traveller or passenger at the said gate, or shall demand or receive more toll than is by this act established, he, for every such offence, shall forfeit and pay twenty-five dollars, to be recovered for the use and in the name of the person so unreasonably hindered or detained, in any court having cognizance thereof with costs of suit.

34 XIV. *And be it further enacted*, That the shares of the said turnpike road shall be deemed and considered to be personal estate, and be transferable in such manner as the said president and directors may direct.

35 XV. *And be it further enacted*, That the president, and directors of the said corporation, shall keep a just account of all monies received by the collector of toll on said road, and shall make and declare a dividend of the clear profits and income, all

neceſſary coſts and charges being firſt deducted, among the ſtockholders of the ſaid corporation, on the firſt Tueſday of January and July in every year, and ſhall publiſh the half yearly dividend among the ſtockholders, and the time and place when and where the ſame will be paid, and ſhall cauſe the ſame to be paid accordingly.

XVI. *And be it further enacted*, That the ſaid preſident and di- 36
rectors ſhall, within ſix months after the ſaid road ſhall be completed, lodge in the office of the comptroller of this ſtate, an account of the expenſes thereof; and the corporation ſhall annual- 37
ly exhibit to the comptroller a true account of the dividends ariſing from ſaid toll, with ſatisfactory vouchers of the neceſſary annual diſburſements, and if the comptroller ſhall be ſatisfied from the ſaid vouchers produced to him, that the ſaid annual diſburſements were neceſſarily expended on the ſaid road, then it ſhall be his duty to audit the ſame or ſo much thereof as he ſhall judge has been neceſſarily expended, which papers the comptroller is directed to depoſit in his ſaid office.

XVII. *And be it further enacted*, That it ſhall and may be law- 38
ful for the preſident and directors to call and demand from the ſtockholders reſpectively all ſuch ſums of money by them ſubſcribed, or to be ſubſcribed, at ſuch times and in ſuch proportions as they ſhall ſee fit, under pain of forfeiture of their ſhares and all the previous payments thereon, to the ſaid preſident, directors and company.

XVIII. *And be it further enacted*, That the legiſlature may diſ- 39
ſolve the ſaid corporation when the income ariſing from the ſaid toll ſhall have fully paid and compenſated the ſaid corporation for all monies they may have expended in purchaſing, making, repairing and taking care of the ſaid road, together with an intereſt 40
thereon of ten per cent per annum, and thereupon the right, intereſt and property of ſaid corporation in the road aforeſaid ſhall be veſted in the people of this ſtate, and be and remain at their diſpoſal: *Provided*, That if the ſaid corporation ſhall not commence their operations within one year after the paſſing of this act, and ſhall not within three years afterwards complete the ſame according to the intent and meaning thereof, then and in either caſe, this act ſhall ceaſe and be void and of no effect.

XIX. *And be it further enacted*, That it ſhall be the duty of 41
the perſon adminiſtering the government of this ſtate to appoint three diſcreet and reputable freeholders, reſident near the ſaid turnpike road, and not intereſted in any turnpike road, inſpectors, to do and perform the ſeveral duties herein after mentioned, that is to ſay, whenever complaints ſhall be made to either 42
of them in writing, that the ſaid road is out of repair, from time to time to view and inſpect the ſaid road and ditches, and 43
if he finds the ſame not to be in good order and repair, according to the true intent and meaning of this act, then and in that caſe he ſhall, by a notice in writing, ſigned by him and left with the toll-gatherer at ſuch gate, order and direct the ſaid gate to be kept open until the ſaid road ſhall be ſufficiently repaired, according to the true intent and meaning of this act;

44 and that whenever the ſaid preſident and directors ſhall have ſufficiently repaired the road as aforeſaid, they ſhall give notice to the ſaid inſpector who ſigned the order as aforeſaid, or in caſe of his abſence or inability to attend, to ſome one of the other inſpectors, who ſhall, within two days thereafter, again view and inſpect the ſaid road, and if he finds the ſame ſufficiently repaired as aforeſaid, he ſhall, by an inſtrument in writing, ſigned by him, licenſe and permit the ſaid gate to be
45 again ſhut; and if the ſaid corporation or toll-gatherer ſhall aſk or receive any toll of or from any perſon or perſons for uſing the ſaid road at the ſaid gate ſo ordered to be opened during the time the ſame is ordered to be kept open as aforeſaid, the ſaid preſident and directors ſhall, for every ſuch offence, forfeit and pay the ſum of twenty-five dollars, to be recovered by the ſaid perſon or perſons from whom they have ſo received toll, with coſts of ſuit, before any court having cognizance thereof.

46 XX. *And be it further enacted*, That if either the complainant, or the preſident, directors and company, ſhall feel themſelves aggrieved by the deciſion of the ſaid inſpector, he or they may appeal to the whole of the ſaid inſpectors, whoſe deciſion
47 ſhall be concluſive in the premiſes; and the ſaid inſpector or inſpectors ſhall each receive, for every day they ſhall be neceſſarily engaged in the view, inſpection or appeal aforeſaid, two dollars a day, to be paid by the ſaid preſident, directors and company, unleſs the ſaid inſpector or inſpectors ſhall determine ſuch complaint or appeal to be unfounded, and in that caſe the complainant ſhall pay the ſame, for which he ſhall give ſufficient ſecurity at the time of making ſuch complaint; and whenever the ſaid inſpector ſhall determine the ſaid complaint well founded, the ſaid preſident, directors and company ſhall pay the ſaid complainant the ſum of two dollars, to be recovered by the ſaid complainant, with coſts of ſuit, before any court having cognizance thereof.

48 XXI. *And be it further enacted*, That the commiſſioners named in the fifth ſection of this act, or any two of them, are hereby authorized and empowered to lay out, alter and ſtraighten the public highway, from the eaſtern extremity of the ſaid turnpike road, near the dwelling houſe of John Foot, to the ſchoolhouſe near the dwelling houſe of Jaſon Warner, in the town of Canaan; and thence in the moſt convenient route to the Maſſachuſetts line; and alſo from the weſtern extremity of the ſaid turnpike road, near the mill of James Brebner, to the village of Kinderhook, and from thence to Kinderhook landing, and order the ſame to be opened, not more than four rods nor leſs than
49 two rods wide; for which ſervices the ſaid commiſſioners ſhall receive the like compenſation as for laying out and ſurveying the ſaid turnpike road.

50 XXII. *And be it further enacted*, That it ſhall be the duty of the commiſſioners of highways in the ſeveral towns through which the aforeſaid turnpike road, and the road hereby directed to be ſtraightened are made, to determine whether the preſent public highway or any part thereof, where the ſame varies from

the ſaid turnpike road, and the road hereby directed to be ſtraightened is neceſſary to be kept in repair as other public highways are directed to be kept in repair, and if in their opinion or in the opinion of any two of them, they ſhall judge the ſame unneceſſary for the convenience and benefit of the public, then and in ſuch caſe they ſhall order an entry of their opinion to be recorded in the town clerk's office, through which the ſame ſhall paſs, which opinion ſhall be ſubject to an appeal to three of the judges of the court of common pleas for the county of Columbia, and which appeal may be made by any perſon who ſhall conceive himſelf aggrieved by the deciſion of the ſaid commiſſioners, in the manner as is directed by the ſecond ſection of the act, entitled "An act to regulate highways," and the expenſes attending ſuch appeal, ſhall be paid as is directed by the ſaid ſection, and the deciſion of the ſaid judges or any two of them ſhall be concluſive, and if no appeal from the deciſion of the commiſſioners is made within ſixty days after the deciſion of the commiſſioners is entered in the town clerk's office, or if the ſaid judges ſhall confirm the opinion of the commiſſioners, then and in either caſe the road ſo judged to be unneceſſary for the convenience and benefit of the public, ſhall not thereafter be kept in repair as other public highways are directed to be kept in repair.

XXIII. *And be it further enacted*, That the road ſo to be 51
ſtraightened, from or near the dwelling houſe of John Foot to the Maſſachuſetts line, and from or near the mill of James Brebner to Kinderhook landing, ſhall be opened and made by voluntary ſubſcriptions wherever the ſame does not follow the track of the preſent public highway, and not at the expenſe of the county or any town through which the ſame ſhall paſs, and if the ſaid road, in the opinion of the commiſſioners of highways of the reſpective towns through which ſaid road ſhall paſs, be completed in a workmanlike manner, the ſaid road ſhall be conſidered as a public highway, and the commiſſioners of highways ſhall order the ſame to be kept in repair as other public highways are kept in repair.

XXIV. *And be it further enacted*, That the individuals who 52
ſhall ſubſcribe towards making, opening and ſtraightening the road from John Foot's to the Maſſachuſetts line, and from the mill of James Brebner to Kinderhook landing, or any three of their number, appointed by a majority of the ſaid ſubſcribers, may contract with the owners of the ſaid land, for the purchaſe of ſo much thereof as ſhall be neceſſary to make the ſaid road, and in caſe of diſagreement between the ſaid parties with reſpect to the value of the ſaid lands, ſo to be laid out, and the damages if any to be done to the ſaid land, or if the owner or owners be femes covert, inſane, under age, or out of the ſtate, then and in either caſe it ſhall and may be lawful for the ſaid ſubſcribers, or any three of them appointed as aforeſaid, to apply to one of the judges of the court of common pleas for the county of Columbia, not intereſted in the ſaid road, who is hereby authorized and required to appoint three commiſſioners, being freeholders of the ſaid county, and who ſhall not be inhabitants of the

ſaid towns of Kinderhook, Chatham or C
the road, whoſe duty it ſhall be to app
damages which each of the owners ſhal
agreed with the ſaid ſubſcribers therefor,
of the ſaid commiſſioners to appoint a da
ſhall enter upon the ſaid land, and con
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ſhall be put up at three of the public ho
places adjacent to the ſaid road, in eacl
Kinderhook, Chatham and Canaan, at le
to their meeting on the ſaid land, for the
appraiſement and when the ſaid commiſ
tained the damages, they ſhall certify tl
owner or owners will ſuſtain, and file the
town clerk of the town of Kinderhook, a
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they ſhall be neceſſarily employed in the
53 by the ſaid ſubſcribers : *Provided*, That
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other perſon to enter upon ſuch land, and
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the ſaid road, where the ſame follows t
public highway, or any public highw
out by the commiſſioners of highways,
out and ſtraightening the road hereby
and ſtraightened.

54 XXV. *And be it further enacted*, Tha
the preſident, directors and company of
road, after the ſaid turnpike road is com
ſurplus capital, if any there ſhall be, on t
be a turnpike road, and which is hereby d
ſtraightened, if in their opinion they ſh
which ſhall nevertheleſs be conſidered a
capital ſtock of ſaid turnpike corporation

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An ACT *appointing Commissioners for the Inspection of Turnpike Roads, and for other Purposes.*

Passed April 9th, 1804.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall be the duty 1
of the person administering the government of this state, for the time being, to appoint, from time to time, not less than three nor more than five commissioners, not interested in any turnpike road, in each and every county of this state in which there shall be any turnpike road, and where there is not contained in the law incorporating the company for the purpose of making such road, a provision for inspecting the said road from time to time.

II. *And be it further enacted*, That whenever complaint is 2
made to the said commissioners, or either of them, that any such turnpike road is out of repair, it shall be the duty of such commissioner or commissioners to whom complaint has been made as aforesaid, to examine the road committed to his or their charge; and if, on such examination, he or they shall 3
discover the said road not to be in good repair, or shall find any of the gates placed in situations contrary to law, he or they shall, by writing under his or their hands, give notice to the directors of such turnpike road, or any one of them, of such defect or default, and if the president, directors and company to whom such road belongs, shall not immediately thereupon repair such defect, remove such gate, or throw open the gate or gates on such road as such commissioner or commissioners shall, by such notice as aforesaid require, until such road is repaired, or such gate removed, as the case may require, then the said commissioner or commissioners to make complaint to the attorney general or district attorney where such road shall be, who 4
is hereby required to cause the said president, directors and company to be prosecuted in behalf of the people of this state.

III. *And be it further enacted*, That the said commissioners 5
shall receive two dollars for each day they shall be employed in the services aforesaid, provided the same do not amount, for any one commissioner, to more than two days in any one month.

IV. *And be it further enacted*, That the said commissioners 6
shall, once in each year, exhibit to the comptroller an account of their services in the premises, upon oath or affirmation, who, after auditing the same, shall draw his warrant on the treasurer for such sum as shall be found due to them respectively, who is hereby required to pay the same out of any money in the treasury not otherwise appropriated.

V. *And be it further enacted*, That whenever judgment is ob- 7
tained against any toll-gatherer, on any turnpike road, for any penalty contained in the act incorporating such turnpike road, and no goods or chattels can be found with which to satisfy such judgment, it shall be lawful to issue execution against the body of such toll-gatherer, who shall be confined by virtue of such execution for the space of thirty days and no longer.

8 VI. *And be it further enacted*, That it ſhall and may be lawful for the preſident and directors of each and every turnpike corporation within this ſtate, from time to time to commute with any perſon, whoſe place of abode ſhall adjoin to or be near any ſuch turnpike road, for the toll payable at the toll-gate neareſt to and on each ſide of ſuch place of abode, ſo as that any ſuch commutation ſhall not be for a longer term than one year.

9 VII. *And be it further enacted*, That in all caſes of perſons meeting each other, on any turnpike road or public highway in this ſtate, travelling with carriages, ſleighs, waggons or carts, the perſons ſo meeting ſhall ſeaſonably turn, drive and convey their carriages, ſleighs, waggons or carts, to the right of the centre of the road, ſo as to enable each others carriages, ſleighs, waggons or carts to paſs each other without interference or in-
10 terruption, under the penalty of five dollars for every neglect or offence, to be recovered by the party aggrieved, in an action of debt in any court having cognizance thereof, with coſts of ſuit.

11 VIII. *And be it further enacted*, That the turnpike corporation for improving a road from the village of Bath to the Maſſachuſetts line, ſhall have the like powers and privileges of erecting toll-gates, and of receiving ſuch rates of toll as is granted by the firſt ſection of the act, entitled "An act further to amend an act to eſtabliſh a turnpike corporation for improving the road from the ſprings in Lebanon, to the city of Albany," paſſed the thirty-firſt day of March, one thouſand eight hundred and one.

12 IX. *And be it further enacted*, That the firſt Wedneſday in November in every year, ſhall for ever hereafter be the anniverſary day for electing directors of the ſaid corporation, and that the preſent directors of the ſaid corporation ſhall continue in office until the firſt Wedneſday of November next after the paſſing of this act, any former law to the contrary notwithſtanding.

13 X. *And be it further enacted*, That whenever the day of the election of the directors of any turnpike corporation in this ſtate ſhall happen to be on Sunday, ſuch election ſhall in every ſuch caſe be held on the next day following, any law to the contrary notwithſtanding.

Water Works.

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An ACT *to incorporate the Stockholders of the Schenectady Water Works Company.*

Passed April 7th, 1804.

WHEREAS Abraham Oothout and sundry other inhabitants of the city of Schenectady, in conjunction with the mayor, aldermen and commonalty of the said city, have associated to supply the said city with water, and by their petition presented to the legislature have prayed to be incorporated, to enable them to forward the purposes of their institution conformable to certain articles of association accompanying the said petition.

I. BE *it therefore enacted by the People of the State of New-York, represented in Senate and Assembly*, That Abraham Oothout, Ste- 1
phen N. Bayard, Maus Van Vranken, James Murdoch and Joseph C. Yates, and their present and future associates, their successors and assigns, be and they are hereby created a body corporate and politic, by the name of the "trustees of the Schenectady water works," and are hereby ordained, constituted and declared to be for ever hereafter a body politic and corporate, in fact and in name, and by that name they and their successors shall have continual succession, and shall be persons in law capable of suing and being sued, in all courts and places whatsoever; and that they and their successors may have a common seal, with power to alter the same, and by the name and style aforesaid, be capable of purchasing and holding such real property as shall be necessary to attain the objects of this incorporation.

II. *And be it further enacted*, That the stock of the said compa- 2
ny shall be deemed personal property, and shall consist of one 3
thousand shares of ten dollars each; and that the mayor, alder- 4
men and commonalty of the city of Schenectady shall be at liberty to subscribe and have five hundred of such shares or any lesser number; and the trustees of Union college shall be at li- 5
berty to subscribe and have fifty of such shares or any lesser number, which subscription shall be taken in preference to all others.

II. *And be it further enacted*, That the stock, property and con- 6
cerns of the company shall be managed by three trustees, being stockholders and citizens of the said city of Schenectady, to be elected by all the stockholders, excluding the said mayor, aldermen and commonalty in their corporate capacity, and by two trustees, to be appointed by the said corporation at least one week previous to the third Tuesday in July in every year, which is 7
hereby declared to be the anniversary election of the said trustees; which said five trustees shall hold their offices for one year from the said third Tuesday in July in every year.

8 IV. *And be it further enacted*, That the election to be made by the ſtockholders as aforeſaid, ſhall be held and conducted by ſome one perſon, being a ſtockholder, who ſhall be thereto appointed by plurality of voices of the ſtockholders preſent at the place of election, immediately after the time appointed for opening the ſame, of which time and place three weeks public notice at leaſt ſhall be previouſly given by the truſtees for the time being; and ſuch perſon, after having then and there openly counted and eſtimated the votes taken at ſuch election, ſhall forthwith make return in writing under his hand, to the preſident of the truſtees for the time being, and the three perſons ſo choſen ſhall be and remain truſtees until others ſhall be choſen in their ſtead
9 as herein provided; and that all elections to be made as aforeſaid for the ſaid three truſtees, or any of them, ſhall be by ballot by the ſtockholders perſonally or by proxy, each ſtock-
10 holder voting in the following proportions, to wit: one vote for every ſhare not exceeding ten; for every twenty ſhares, fifteen votes; for every thirty ſhares, twenty votes, and one vote for every ten ſhares above thirty; but no perſon or body corporate ſhall be entitled to more than fifty votes whatever number of ſhares he or they may hold; and the three candidates having the greateſt number of votes at ſuch election ſhall be the truſtees, and ſhall enter upon and continue in office from the time of their being returned as elected until the next anniverſary re-
11 turn made as aforeſaid; and if at ſuch election any two or more perſons have an equal number of votes, ſo that the requiſite number of truſtees ſhall not be elected, the ſtockholders preſent ſhall forthwith in like manner proceed to elect out of the perſons ſo having an equal number of votes, ſo many of them as ſhall complete the requiſite number of three truſtees; and ſhould two or more of them ſtill have an equal number of votes, then the can-
12 didates ſhall determine the choice by lot; and that the truſtees ſo choſen as aforeſaid ſhall forthwith, on the day of their election, in conjunction with the two truſtees appointed by the corporation of this city, who ſhall then and there attend for this purpoſe, chooſe from among the ſaid five truſtees one of the num-
13 ber as their preſident; and in caſe of the abſence of the preſident ſo choſen from any meeting of truſtees, thoſe of them who are preſent may, by plurality of voices, appoint one other of their number preſident for ſuch meeting, but that the ſaid truſtees ſhall not be entitled to any compenſation for ſervices rendered for the ſaid company as ſuch; and in caſe of vacancy in the office of any of the ſaid truſtees by death, reſignation or removal from the city, others ſhall be elected or appointed to fill ſuch vacancy in manner aforeſaid, and at ſuch time and place as the preſident of the truſtees, or the mayor of the ſaid city, (as the caſe may be) ſhall,
14 by public notice given as aforeſaid, direct; and that the truſtees, or a major part of them, ſhall on all occaſions conſtitute a board
15 for the tranſaction of buſineſs; and as ſoon as poſſible after their election, ſhall, in their diſcretion, take the moſt effectual meaſures for ſupplying the city with a ſufficiency of pure and wholeſome water for every purpoſe neceſſary to the convenience

and security of the citizens and beneficial to the company; and the said trustees, or the major part of them, shall have power to appoint the time and place of all meetings for the dispatch of business; to appoint all such agents, officers, or servants, as they shall deem necessary for carrying into effect the objects of this company; to call upon the stockholders for such payment 16
on their stock as they shall from time to time find requisite; to agree with all persons who shall use the water for a proper compensation for the use thereof; to make such and so many fire 17
stops, not exceeding seventy, as the common council of the first and second wards of this city shall require, and at such places in the said wards as the said common council shall direct; to suffer and permit the said mayor, aldermen and commonalty to make so many other fire stops as they may deem necessary, and at such places as they shall direct, at the proper cost and charges of the said mayor, aldermen and commonalty, all of which fire stops shall be used for the extinguishment of fire in said city, and shall be made fully adequate thereto, and shall be used for that end only, and that free from all rent or costs for the use of the water, and shall be kept and maintained in constant and ample order at the proper charge and costs of the said company and the said mayor, aldermen and commonalty respectively as aforesaid, to wit: those to be made by the said company as aforesaid are to be by them kept and maintained as aforesaid, and those to be made by the said mayor, aldermen and commonalty as aforesaid, are to be by them kept and maintained as aforesaid; and the said trustees, or the major part of them, shall in like manner establish rules and regulations for and concerning the conduct, government and compensation of all officers or agents of any description in their employ, and for the conduct and government of all persons who use the water from their works, so far as respects the preservation thereof and its use, and to restrain the same, and to preserve the works and water from injury and waste, and to declare the dividends on the stock of the 18
company, and to make bye-laws for and concerning the manner of making transfers of said stock, and to do and perform whatever else in their discretion shall tend to promote the objects of the company, not inconsistent with the laws of the United States or of this state, or of the corporation of the said city: Every stock- 19
holder neglecting or refusing to pay the requisitions called for on his stock by the trustees, shall forfeit his stock, with all previous payments made thereon, and all his interest in the stock of the said company; and that as soon as the income of the said 20
corporation shall have become so productive as that every stockholder shall have received therefrom a sum equal to the whole sum originally subscribed on each and every share by him held, together with interest thereon at the rate of fourteen per cent per annum, and that the said company is fully reimbursed all monies expended by them in erecting, keeping and maintaining the same, with like interest thereon, then this association shall cease and be ended, and the said works, and every thing appertaining thereto, shall belong to the mayor, aldermen and com-

monalty of this city, and shall be subject to their direction and management.

1 V. *And be it further enacted*, That it shall be lawful for the said company, and any person or persons employed by them or acting under their authority, to enter into and upon, and freely to make use of any land which they shall deem necessary, for the purpose of conducting a plentiful supply of pure and wholesome water to the said city, and to erect any dams or other work across or upon any stream or streams of water, river or rivers, or any other place or places where they shall judge proper for the purpose of raising such stream or streams, or turning the course thereof, or of making use of such streams, rivers or places for constructing or working of any necessary engines, and to construct, dig or cause to be opened any canals or trenches whatsoever for the conducting of such stream or streams, or any other quantity of water from any source or sources, that they may see fit, and to raise and construct such dikes, mounds or reservoirs as they may judge proper, for securing and conveying such supply of water as aforesaid to the said city, and to survey and lay out all such lands and streams as they may think proper, in order to ascertain the best mode of furnishing such supply and the best and most productive streams and sources or fountains of water for that purpose, and to lay and conduct any number of pipes, conduits or aqueducts through or over any of the said lands, or any rivers or streams of water, as they may see fit to or towards the said city, and in and every part of the said city;

2 and to agree with the owner or owners of any mills, lands, tenements or hereditaments, that may be damaged or affected by any of the said operations for and about a reasonable compensation to be made to him, her or them, for any damage which he, she or they, or any of them, may sustain by the employing, diverting, or obstructing any such stream or streams, or using any such lands, or the cutting, laying, raising or making any such reservoirs, aqueducts, canals, trenches, pipes, conduits, dikes or mounds as aforesaid; but in case of disagreement, or in case the owner or owners of such mills, lands, tenements or hereditaments, shall be feme covert, under age, non compos mentis, or out of the state, then it shall be lawful for the judges of the supreme court of this state, or any one of them, not being an inhabitant of the said city, upon the application of either party, to nominate and appoint three indifferent persons to estimate the injury sustained as aforesaid, and to report thereupon to the said court without delay, and upon the coming in such said report and the confirmation thereof by the said court, the said president, directors and company shall pay to the said owners respectively, the sum mentioned in such report, which sum when paid shall be held and taken to be a full discharge of all such damages; and in case the persons so appointed shall report against such claim for damages, such report, after the same shall be confirmed as aforesaid, shall be deemed final and conclusive between the parties.

VI. *And be it further enacted*, That the ſaid firſt truſtees ſhall 23
be Joſeph C. Yates, Abraham Oothout, Stephen N. Bayard, Maus Van Vranken and James Murdoch, who ſhall hold their offices until the third Tueſday in July next, and that Joſeph C. Yates ſhall be their preſident.

VII. *And be it further enacted*, That if any perſon or perſons 24
ſhall wilfully do or cauſe any act whatſoever, whereby any of the works of the ſaid company or any part of ſuch works, or any matter or thing appertaining to the ſame, ſhall be injured, the perſon or perſons ſo offending ſhall forfeit and pay to the ſaid company, treble the amount of the damages, to be recovered by ſuch company with coſts of ſuit, by an action of debt in the ſupreme court of judicature of this ſtate, which action ſhall in every inſtance be conſidered as tranſitory in its nature, and ſhall and may be triable in any county of this ſtate.

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10. ------- May appoint clerks and agents, and make bye-laws, &c.

An ACT *to incorporate an Aqueduct Association in the Town of Kingston, in the County of Ulster.*

Paſſed April 9th, 1804.

WHEREAS Luke Keerſted, Jonathan Haſbrouck, Jacobus S. Bruyn, together with ſundry other citizens of the town of Kingſton, have aſſociated for the purpoſe of ſupplying themſelves in the ſaid town of Kingſton, with pure and wholeſome water, and for the uſe of ſuch other of the inhabitants as may be inclined to take the ſame.

I. BE *it therefore enacted by the People of the State of New-York, represented in Senate and Assembly*, That Luke Keerſted, Chriſtopher Tappen, John Tremper, Abraham B. Bancker, Abraham Hoffman, Jacobus S. Bruyn, Jonathan Haſbrouck, Conrad Edmund Elmendorf, John Tappen, Frederick A. DeZeng, Lucas Elmendorf, Joſeph Gaſherie, and ſuch other perſons as are now intereſted, or hereafter may become intereſted in the aſſociation or company formed for ſupplying the ſaid town of Kingſton with water by means of conduits or aqueducts, ſhall be and 2
are hereby created and made a corporation and body politic, in

fact and in name, by the name of "the aqueduct society of the town of Kingston," and by that name shall be capable in law to sue and be sued, plead and be impleaded, defend and be defended in any court of record, but shall not be capable of holding any real estate, excepting such as shall be necessary for such conduits or aqueducts in any other place than in the said town of Kingston, or any real or personal estate exceeding the annual value in the whole of three thousand dollars, exclusive of the profits or income of such conduits or aqueducts.

II. *And be it further enacted*, That the management and concerns of the association shall be intrusted to seven trustees, being members of the association, which said trustees shall hold their office for one year, from the first Tuesday of June in every year; that an election shall be held on the Tuesday preceding every such first Tuesday of June in every year, in such place in the said town of Kingston, and at such hour, as the said trustees shall from time to time appoint, by notification to be published in one of the papers printed in the town of Kingston, at least four days before such election; that the election shall be held by such person as the members of the association present, immediately before the opening of such election, and after the hour appointed, shall by plurality of votes appoint, and such person shall, after he has then and there openly counted the votes, forthwith make a return in writing under his hand, of the result of such election, to the clerk of the trustees, and the seven persons having the greatest number of votes, shall be the trustees; and the trustees shall on the first Tuesday of June in every year, elect one of their number president, who shall be their treasurer; that in case the president shall be absent from any meeting, the trustees present may appoint one of their number to be president for their meeting; and that in case of vacancy in the office of any of the trustees by death or otherwise, others shall be elected to fill such vacancy or vacancies, by the members of the association, in the manner aforesaid, and that Luke Keersted be the first president; and that the said Luke Keersted, Jonathan Hasbrouck, John Tremper, Lucas Elmendorf, John Tappen, Conradt Edmund Elmendorf and Abraham B. Bancker, be the first trustees of the association, and to remain in office until the first Tuesday in June in the year one thousand eight hundred and five.

III. *And be it further enacted*, That the trustees shall have power to elect and appoint a clerk and collector, and such other agents as may be necessary to carry into effect the objects of the association, to make and ordain all such bye-laws, rules and regulations, relative to the said conduits or aqueducts, as they may deem proper and necessary, for the superintendance, regulation and management of the same, and of such as may be added thereto, and for the alteration, preservation and reparation thereof; and for the equal assessment and collection amongst the proprietors of the said aqueducts, in proportion to their respective rights or shares, of all costs and expenses arising in the execution of all such bye-laws, rules and regulations afore-

ſaid ; and ſhall have power to adjuſt, apportion and credit to any individual of ſaid aſſociation, all ſuch monies which may have been by him or her laid out in and about the ſaid conduits, and to impoſe penalties for the violations of the ſaid bye-laws and regulations ; and further, to inſtitute ſuch ſuits in the name of ſuch aſſociation, as may be neceſſary to recover damages that may be done to the ſaid aqueducts, or for any penalty impoſed as aforeſaid : *Provided*, That no penalty to be impoſed by virtue of any ſuch bye-laws or regulations as aforeſaid, ſhall be contrary to the laws of this ſtate or the United States, or exceed the ſum of two hundred dollars for any one offence.

IV. *And be it further enacted*, That the ſaid treaſurer ſhall 11
receive and pay out all monies collected by virtue of this act,
agreeable to the orders and directions of the ſaid truſtees ; and 12
the ſaid clerk ſhall enter in writing in a book for that purpoſe,
all the proceedings of the ſaid aſſociation or company, when
convened as aforeſaid under this act ; and the ſaid collector 13
ſhall levy and collect all ſuch taxes and ſums of money ſo as
aforeſaid, to be voted in purſuance of this act, agreeable to ſuch
tax liſt or aſſeſſment roll, as ſhall be made out and delivered to
him by the ſaid clerk, the ſame being by him firſt certified and
ſubſcribed, and ſhall pay the ſame monies to the treaſurer of
the aſſociation, and the collector ſhall have the like powers, and
proceed in like manner in the ſaid collection, as is by law pre-
ſcribed to the collectors of any town, in the collection of the
contingent charges of the county.

V. *And be it further enacted*, That all transfers of ſhares in the 14
ſaid aſſociation or company, ſhall be made and entered in a
book to be provided for that purpoſe, under the directions of
the preſident, that the ſame ſhall be perſonal eſtate, and be
transferable only on the books of the ſaid company, in ſuch
manner as the ſaid preſident and directors may preſcribe : *Pro-* 15
vided, That they ſhall not at any time be held by any perſon not
a citizen of this ſtate or of the United States.

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1. Company incorporated...their style and corporate rights.
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An ACT *for incorporating an Aqueduct Association in the Town of Coxsackie, in the County of Greene.*

Paſſed April 9th, 1804.

WHEREAS Dorrance Kirtland and divers other perſons have aſſociated with intent to ſupply the village in the ſaid town with good and wholeſome water : Therefore,

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Dorrance Kirtland, John
1 Bartlett, Philip Conine, junior, Peter C. Adams, Henry Johnson, Samuel Field, Archibald M'Vickar, Daniel Farrey, George Wilson, Simeon Fitch, Isaac Miner, junior, Stephen Warren, John Robbins, and such other persons as may become interested in the association formed for supplying the said village in the said town with water by means of conduits or aqueducts, shall be and hereby are created a body politic and corporate, in fact and in name, by the name of "The Union Aqueduct Association;" and by that name shall be capable in law to sue and be sued, plead and be impleaded, in any court of record, in all actions and matters whatsoever; to have a common seal, and to change or alter the same at pleasure; to purchase, take, hold and convey any estate, real or personal, provided such real estate be necessary to effect the object of the incorporation, and do not exceed in value at the time of acquiring the same, four thousand dollars.

2 II. *And be it further enacted*, That it shall be lawful for any three of the said persons before mentioned to be associated, or such others as with them shall associate, to convene the said members of the said corporation at some proper and convenient place in the said village, first giving five days previous notice, in writing, of the time and place, to be put up in two of the most public places in the said village; and such of the members of the said corporation, being at least a majority of the whole number thereof as shall so convene, shall and are hereby authorized, by a vote of the majority present, to elect and appoint such officer and officers, agent and agents, as they may deem necessa-
3 ry to carry into effect the objects of the same corporation, which said officer and officers, agent and agents shall hold their office during such time as the members of the said corporation, being
4 a majority of any legal meeting, shall ordain and establish; to make and ordain all such bye-laws, rules and regulations for the superintendence, regulation and management of the said corporation, and for the equal assessment and collection of taxes amongst the members thereof, in proportion to their respective rights and interests therein, as they may deem necessary and proper; to impose penalties for the violation of the said bye-laws, rules and regulations; and further, to institute such suits in the name of the said corporation for the recovery of damages, debts or sums of money which may arise or accrue to the said corporation, or any penalty imposed as aforesaid: *Provided*, That no such penalty to be imposed, or any of the bye laws or ordinances of the said corporation to be made, be contrary to the laws of this state or of the United States.

5 III. *And be it further enacted*, That it shall be lawful for the said corporation, or any person or persons employed by them, or acting under their authority, to enter into and upon, and make use of any land, and also to make use of any brook, stream, spring, outlet or run of water which they shall deem necessary for the purpose of conducting a plentiful supply of good and wholesome
6 water to and through the said village, and to agree with any

owner or owners of any lands, tenements or hereditaments that may be damaged or affected by any of the said operations, for and about a reasonable compensation to be made to him, her or them, or any of them, for such lands, tenements or hereditaments, or the use thereof, as may be used or occupied for the purposes aforesaid, or for any damages which he, she or they may sustain in using any such lands for the said operations; but in 7
case of disagreement, to be settled and determined by any three discreet and reputable freeholders of the town of Coxsackie, to be chosen and agreed upon by the parties; and in cases of refusal or neglect by either party to nominate and appoint them, then to be nominated and appointed by any judge of the court of common pleas for the county of Greene, not interested in the premises, at the request of either party, and upon their determining the same, the said company shall pay to the said owners respectively the sums reported under their hands, in full compensation for the same: *Provided*, That nothing in this act shall authorize 8
the said corporation to take or make use of any spring or fountain of water from any person or persons, without first agreeing with the owner or owners for the same.

Societies.

CHAP. XIV.

Contents.

10. Act declared a public one.
1. Directors and Assistant Directors, their names.
6. -------- May convene the members to make bye-laws.
4. Funds, how to be applied.
9. -------- Annual income, exclusive of donations, not to exceed $2000.
5. Estate, Real, not to be conveyed, &c. without consent of members.
2. Society, their style.---3, 8. Their corporate rights.---7. Seal.

An ACT *to incorporate the Society for propagating the Gospel among the Heathen, formed by Members of the Episcopal Church of the United Brethren or Unitas Fratrum.*

Passed February 29th, 1804.

WHEREAS it hath been represented to this legislature by the reverend George Henry Loskiel, the reverend Jacob Van Vleck, the reverend Andrew Benade, the reverend John Gebhard Cunow, the reverend John Bardell, Henry Ten Broeck, Abraham Bininger, Philip Sykes, Daniel Banvard, Frederic Devoue and Isaac Van Vleck, that since the year of our Lord one thousand seven hundred and forty, when the said church began to make settlements in America, the principal aim of their members coming over from Europe was to carry the glorious truth of the gospel to the Indians here; that they have, without intermission, continued their labors among the Indians, and notwithstanding the increase of expenses and other difficulties, are

reſolved to purſue and ſupport this commendable work and for this purpoſe have formed a ſociety for propagating the goſpel among the heathen; and that this ſociety was incorporated by an act of the legiſlature of the commonwealth of Pennſylvania, in the year of our Lord one thouſand ſeven hundred and eighty-eight; and that by a law of the legiſlature of the ſtate of New-Jerſey, they were incorporated in that ſtate in the year of our Lord one thouſand ſeven hundred and ninety-one; and that they had entered into certain rules of aſſociation, which were preſented to this legiſlature with their petition praying to be incorporated in this ſtate, which would promote the original deſign of the ſaid ſociety.

And whereas the propagation of the goſpel among the Indians of America is of great importance to the citizens of this ſtate, as well as to the citizens of the United States, and may, by the ſmiles of Providence on their inſtitution, be conducive of the peace and ſafety of the inhabitants and ſettlers of our frontiers; and by living examples of the miſſionaries and the converts, the ſavages may be induced to turn their minds to the chriſtian religion, induſtry and ſocial life, with the citizens of the United States.

And whereas this legiſlature is diſpoſed to exerciſe the powers veſted in them by the people of this ſtate for the encouragement of all pious and charitable purpoſes: Therefore,

I. BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That the reverend George Henry Loſkiel, the reverend Jacob Van Vleck, John Gebhard Cunow, gentleman, John Schropp, gentleman, the reverend John Andrew Buſſe, the reverend John Herbſt, the reverend John Meder, John Lewis Benzien, gentleman, the reverend Charles G. Reichel, the reverend Simon Peter, the preſent directors, and the reverend Andrew Benade, the reverend John F. Schaaf, and the reverend Bernard Adam Grube, preſent aſſiſtant directors, and their ſucceſſors, and all other members of ſaid ſociety who have and hereafter ſhall ſubſcribe the eſtabliſhed rules of the ſaid ſociety, be, and they are hereby made, declared and conſtituted to be, a corporation and body politic and corporate, in law and in fact, to have continuance for ever by the name, ſtyle and title of "The Society of the United Brethren for propagating the goſpel among the heathen."

II. *And be it further enacted*, That the ſaid corporation and their ſucceſſors, by the name, ſtyle and title aforeſaid, ſhall for ever hereafter be perſons able and capable in law to purchaſe, have, receive, take, hold and enjoy, in fee ſimple, or of leſs eſtate or eſtates, and lands, tenements, rents, annuities, liberties, franchiſes, and other hereditaments, by the gift, grant, bargain, ſale, alienation, releaſe or confirmation, of any perſon or perſons, bodies politic and corporate, capable and able to make the ſame; and further, that the ſaid corporation and their ſucceſſors may take and receive any ſum or ſums of money, and any portion of goods and chattels that have been or hereafter ſhall be given to them or the ſaid ſociety, by any per-

ſon or perſons, body politic or corporate, able and capable to make a gift thereof: *Provided*, That no miſnomer of the ſaid corporation and their ſucceſſors ſhall defeat or annul any gift or grant to the ſaid corporation, if the intent of the donor ſhall ſufficiently appear upon the face of the gift, or other writing, whereby any eſtate or intereſt was intended to paſs to the ſaid corporation, nor ſhall any diſuſer or non-uſer of the rights, liberties, privileges and authorities, or any of them hereby granted to ſaid corporation, create or cauſe a forfeiture thereof.

III. *And be it further enacted*, That all donations and contri- 4
butions, rents, intereſts and profits ariſing from the real and perſonal eſtate of the aforeſaid corporation, ſhall, by the ſaid directors and their ſucceſſors, from time to time, be applied and laid out for the maintenance and ſupport of their miſſionaries and their aſſiſtants, for building and ſupporting places of public worſhip and ſchools, provide books for the better educating, inſtructing and civilizing the children of the converts, and others, among the Indian nations, who ſhall be deſirous to commit their youth to the care and inſtruction of the ſaid miſſionaries, and for ſuch other pious and charitable uſes as are conformable to the true intent, deſign and meaning of the ſaid ſociety.

IV. *And be it further enacted*, That the ſaid corporation and 5
their ſucceſſors, ſhall not by deed or otherwiſe grant, alien, convey or otherwiſe diſpoſe of any part or parcel of the real eſtate in ſaid corporation veſted or to be veſted, or charge or incumber the ſame, to any perſon or perſons whatſoever, except by and with the conſent of a majority of the regular contributing members of ſaid ſociety, convened for that purpoſe.

V. *And be it further enacted*, That the ſaid directors and aſſiſ- 6
tant directors, and their ſucceſſors or a majority of them, ſhall and may from time to time convene the members of the ſaid ſociety, to make rules, bye-laws and ordinances, and to tranſact every thing requiſite for the good government and ſupport of the affairs of the ſaid ſociety agreeable to their ſtated rules: *Provided always*, That the ſaid rules, bye-laws and ordinances, or any of them, be not repugnant to the laws and ſtatutes in force within this ſtate or the United States.

VI. *And be it further enacted*, That the ſaid ſociety and their 7
ſucceſſors ſhall have full power and authority to make, have and uſe one common ſeal, with ſuch device and inſcription as they ſhall think proper, and the ſame to break, alter and renew at their pleaſure.

VII. *And be it further enacted*, That that the ſaid corpora- 8
tion and their ſucceſſors, by the name, ſtyle and title aforeſaid, ſhall be able and capable in law, to ſue and be ſued, plead and be impleaded, in any court or courts, before any judge or judges, juſtice or juſtices, in all and all manner of ſuits, complaints, cauſes, matters and demands of whatever kind, nature or form they may be, and all and every other matter and thing therein to do in as full and effectual a manner as any other perſon or perſons, bodies politic or corporate, in this ſtate, may or can do in like caſes: *Provided alſo*,

VIII. *And be it further enacted*, That the clear yearly value or income of the meſſuages, houſes, lands, tenements, rents, annuities or other hereditaments and real eſtate of the ſaid corporation, and intereſt of money lent, ſhall not exceed the ſum of two thouſand dollars, to be taken and eſtimated, excluſive of the monies ariſing from the contributions of the actual members, and donations of the honorary members or other friends to the ſaid ſociety.

10 IX. *And be it further enacted*, That this act be and hereby is declared to be a public act, and that the ſame be conſtrued in all courts and places favorable for every purpoſe therein intended.

CHAP. XXVIII.

Contents.

10. Bye-laws, board of direction authorized to make.
3. Direction, board of...4, 5. What a quorum...how elected.
6. ------- Vacancies how filled...7. First board named.
9. ------- To exhibit accounts...10. To make bye-laws.
5. Election, how and when to be held.
8. ------- If not held on a certain day corporation not dissolved.
2. Estate, society restricted as to the amount which it may hold.
11. Husbands, not liable for the debts of their wives.
1. Society, their style and corporate rights.
12. ------- How long to continue incorporated.

An ACT *to incorporate the Society for the Relief of indigent Women and Children.*

Paſſed March 24th, 1804.

WHEREAS a number of ladies in the city of Albany, have aſſociated for the humane purpoſe of relieving the diſtreſſes of indigent women and children, and by their petition preſented to the legiſlature, have prayed to be incorporated. Therefore—

1. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That all ſuch perſons of the female ſex, as now are or hereafter ſhall be annual ſubſcribers to the ſaid aſſociation, ſhall be and hereby are conſtituted a body corporate, by the name of "The Society for the relief of indigent women and children," and by that name, ſhall have perpetual ſucceſſion and be in law capable of ſuing and being ſued, defending and being defended in all courts and places whatſoever, and in all manner of actions and cauſes whatſoever, and may have a common ſeal, and change the ſame at their pleaſure, and ſhall alſo by that name be capable in law, of purchaſing, holding, and conveying any eſtate real or perſonal for the uſe of the ſaid
2 corporation: *Provided*, That ſuch eſtate ſhall never exceed in value twenty thouſand dollars, nor be applied to any other purpoſes than the charitable one for which this incorporation is formed.

II. *And be it further enacted*, That the eſtate and concerns of 3
the ſaid corporation ſhall be managed and diſpoſed of by a board of direction, to be compoſed of a preſiding manager, treaſurer, ſecretary, and not leſs than ſix nor more than twelve managers, (two thirds of whom ſhall be a quorum) to be elected by plural- 4
ity of ballots of the members reſident in the city of Albany, in 5
the month of March yearly, at ſuch place in the ſaid city, and after ſuch notice as the board of direction may, from time to time, by ordinance appoint; and if any vacancy ſhall be occaſioned by the 6
death, reſignation or removal of a manager, treaſurer or ſecretary, the ſame ſhall be filled for the remainder of the year by the board of direction; and until the election in March next, Mar- 7
garet Tillotſon ſhall be preſiding manager, Cornelia Lanſing, treaſurer, Maria Banyer, ſecretary, Margaret Seton, Elizabeth Kent, Ann Barry, Ann Van Renſſelaer, Sarah Jenkins, Margaret Stevenſon, Catharine Mancius and Eliza Bloodgood, managers.

III. *And be it further enacted*, That if it ſhall at any time 8
happen that the annual election ſhall not be made on the day to be appointed for ſuch purpoſe, the corporation ſhall not thereby be diſſolved, but the members of the board of direction ſhall continue in office till a new election, which ſhall be made at ſuch time and place, and after ſuch notice, as the board of direction ſhall preſcribe.

IV. *And be it further enacted*, That the board of direction ſhall 9
at leaſt at every yearly election exhibit to the members of the ſaid corporation an exact account of the receipts and diſburſements of the preceding year.

V. *And be it further enacted*, That the board of direction may, 10
from time to time, make bye-laws and ordinances relative to the management and diſpoſition of the eſtate and concerns of the ſaid corporation, and the regulation of the perſons exerciſing the offices aforeſaid not contrary to law.

VI. *And be it further enacted*, That the huſband of any mar- 11
ried woman who is or may be a member or officer of the ſaid corporation, ſhall not be liable to the ſaid corporation for any loſs occaſioned by the neglect or misfeaſance of his wife, or upon any ſubſcription or engagement of his wife; but if he ſhall have received any money from his wife belonging to the ſaid corporation, or the ſame ſhall have been applied to his uſe, he ſhall be accountable therefor; and if the huſband's goods ſhall be attached, or if he ſhall become inſolvent, ſuch money, if received after the paſſing of this act, ſhall be paid by the truſtees or aſſignees of his eſtate in preference to all other debts.

VII. *And be it further enacted*, That this act ſhall continue and 12
be in force until the firſt day of March, in the year one thouſand eight hundred and ten, and no longer.

CHAP. XLI.

Contents.

7. Books and Property of the former society vested in this.
4. Bye-Laws, society authorized to make.
5. Counsellors and other officers, how elected...6. What a quorum.
3. Funds, limited as to extent of.
8. Legislature, members of, made honorary members of this society.
5. President and Vice-President, how elected...9. First named.
1. Society, incorporated...2. Style and corporate rights.

An ACT *to incorporate a Society for the Promotion of Useful Arts.*

Paſſed April 2d, 1804.

WHEREAS the inſtitution of a ſociety calculated to promote, collect and preſerve the knowledge of uſeful arts, is intimately connected with the public welfare and proſperity: Therefore,

I. BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That all ſuch perſons who ſhall, at the time of the paſſing of this act, be members of the ſociety for the promotion of agriculture, arts and manufactures, and ſuch other perſons who ſhall from time to time become members of the ſociety hereby intended to be incorporated, and ſhall within ten months after the paſſing of this act, ſignify their intention in writing, ſubſcribed by them reſpectively, to Samuel L. Mitchell or Benjamin De Witt, the preſent ſecretaries of the ſaid ſociety, to become members of the ſociety, hereby intended to be incorporated, and ſhall pay to either of them two dollars for the uſe of the ſaid ſociety, ſhall be and hereby are, conſtituted a body corporate and politic by the name of "The Society for the promotion of Uſeful Arts;" that by that name the ſaid ſociety ſhall have perpetual ſucceſſion; and that the ſaid ſociety and their ſucceſſors ſhall be capable in law to ſue and be ſued, plead and be impleaded, anſwer and be anſwered, defend and be defended, in all courts and in all actions, ſuits, matters and cauſes whatſoever, and to purchaſe, take, receive, hold and enjoy any real or perſonal eſtate, in fee ſimple or otherwiſe, and the ſame to leaſe, ſell, diſpoſe of and convey, for the purpoſe of the better enabling them to carry into effect ſuch meaſures as to the ſaid ſociety ſhall ſeem beſt calculated to promote agriculture, arts and manufactures within this ſtate: *Provided*, That the clear annual value of ſuch real and perſonal ſtate ſhall not exceed the ſum of two thouſand five hundred dollars: That the ſaid ſociety ſhall have a common ſeal, which may from time to time be changed or altered at its pleaſure.

II. *And be it further enacted*, That the ſaid ſociety ſhall, from time to time, for ever hereafter, have power to make, conſtitute, ordain and eſtabliſh ſuch bye-laws and regulations as they ſhall judge proper, for the election of their officers, for preſcribing their reſpective functions, and the mode of diſcharging the ſame; for the admiſſion of new members into the ſaid ſociety; for the

government of the officers and members thereof; for ascertaining an equal annual rate of contributions towards the funds thereof, for regulating the times and places of meeting for managing the affairs of the said society and for suspending or expelling such members of the said society as shall neglect or refuse to comply with the bye-laws and regulations thereof, so as such bye-laws and regulations shall not be repugnant to the laws of the United States or of this state.

III. *And be it further enacted*, That a president and one or 5
more vice-presidents, nine counsellors, two or more secretaries a treasurer, and such other officers as the said society shall by any bye-law, from time to time appoint, shall be elected by a plurality of votes of the members of the said society present at any election: That such election shall be annually held in the senate chamber, or at such other place as the said society shall from time to time by bye-law direct and appoint, on the Tuesday next succeeding the day on which both houses of the legislature shall have been formed, ready to proceed to business, after the first day of January in every year: That the said officers shall respectively hold their offices until the next annual election day, or until others shall be elected in their stead: That if the annual election shall not be held at any of the days for that purpose appointed, it shall be lawful to make such election at any other day; and that the president, or one of the vice-presidents, with 6
any twelve or more of the said society, meeting at the place designated for that purpose by any bye-law, shall constitute a legal meeting of the said society.

IV. *And be it further enacted*, That the books, papers, monies 7
and effects of the society for the promotion of agriculture, arts and manufactures, shall be and the same are hereby with the approbation, and at the instance of the last mentioned corporation, vested in the said society for the promotion of useful arts, from and after the fourth day of May next, on which day the corporation aforesaid expires by its own limitation.

V. *And be it further enacted*, That the members of the legis- 8
lature shall in that capacity be honorary members of the said society; but shall not vote at elections, or have any voice in the disposition of the funds of the said society.

VI. *And be it further enacted*, That Robert R. Livingston shall 9
be the president, and Ezra L'Hommedieu the vice-president of the said society, until the second annual election day.

CHAP. LXIV.

Contents.

14. Bye-laws, corporation authorized to make.
11. Corporation not dissolved for not holding election on proper day.
19. ------- For what cause to be dissolved.
7. Election, anniversary day of...8. To be by ballot.
9. ------- Special, to be held in case of vacancy in any of the offices.
5. Estate, Real, limited as to purpose and amount.
17, 18. Funds, account of, to be exhibited to the chancellor.

12. Meetings, to be held at a place certain.
6. Officers...10. First appointed...15. Annually to account.
16. Persons wishing to become members of this corporation, how to proceed.
13. Quorum, what to constitute.
1. Society, incorporated...2. Style...3. Term of incorporation.
4. ------- Corporate rights.

An ACT *to incorporate the German Society in the City of New-York for Charitable Purposes.*

Paſſed April 6th, 1804.

WHEREAS Philip I. Arcularius, William Wilmerding and others, citizens and inhabitants of the city of New-York, aſſociated as a ſociety under the ſtyle of the German Society in the city of New-York, for the laudable purpoſes of aſſiſting German emigrants and to afford relief to other poor diſtreſſed Germans, and their deſcendants, and by their petition to the legiſlature have prayed to be incorporated: Therefore,

I. BE *it enacted by the People of the State of New-York, repre-*
1 *ſented in Senate and Aſſembly*, That the ſaid Philip I. Arcularius, William Wilmerding, Leonhard Fiſher, Peter Camman, David Grim, John B. Daſh, ſenior, Philip Oſwald, Chriſtian Baehr, Chriſtian Schultz, John Gaeſſner, Alexander Fink, ſenior, John B. Daſh, junior, the reverend doctor John Chriſtopher Kunze, Chriſtian Wilhelm Wilmerding, Jacob Mark, Blaſius Mohr, John Peter Ritter, Iſaac Paris, the reverend Hendrich Moller, Johannis Mehli, John Harbeck, Charles Neuman, Henry Aſtor, George Gilſert, Carl Ludwig Camman, doctor George Chriſtian Anthon, Edward Livingſton, Sigiſmund Hugget, John Jacob Aſtor, Chriſtian Matthias Heil, David Lydig, George Powers, James Hallet, Henry White, doctor John William Zeis, Johan Philips, Francis Childs, John Speyer, Jacob Morton, Chriſtian Rook, Stephen Van Renſſelaer, Joſiah Ogden Hoffman, Thomas Morris, Samuel L. Mitchell, George Arcularius, Henry Limberger, Philip Grim, Henry Ortley, junior, John Fiſher, John Bartow Prevoſt, Alexander Von Pfiſter, Cornelius Chriſtian Weſtphal, Jacob Hauptman, Jacob Schieffelin, Henry Heiſſer, Frederick Schonewolf, Johannis Schultz, John Morton, William Cammeyer, Martin Hoffman, Friedrich Beinhauer, Hendrich Scherer, Jacob Bierman, Frederick Rauſeh, William North, Daniel Bowie, the reverend George Strebeck, George Cluſman, Johann Nicholas Crentzebach, Cornelius Hoffman, Joſeph Sterlitz, John Miller, Edward Dunſcomb, John Remmy, Benjamin Walker, Anthony Erneſt, J. L. Steenbach, Matthias Luſt, Anthony Rutgers, Daniel Paris, Daniel Baehr, William G. Miller, William Gultzow, George F. Toderhorſt, Nicholas I. Rooſevelt, Peter Ritter, John Hone, Jacob Sherred, John Nitchie, Heinrich Siebich, Joſeph Horn, Lewis Eigenbrodt, Charles Loſs, Joſeph Metzler and their preſent aſſociates, and all perſons being reſident within the city or ſtate of New-York, who ſhall
2 hereafter be members of the ſaid ſociety, ſhall be and hereby are ordained, conſtituted and declared to be one body corporate

and politic, in fact and in name, by the name of "The German Society of the city of New-York," until the first Monday in April, 3
one thousand eight hundred and twenty-five; and that by that 4
name they and their successors shall and may have succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of action and actions, suits, complaints, matters and causes whatsoever; and that they and their successors may have a common seal, and may change and alter the same at their pleasure; and also that they and their successors, by the name of the German society of the city of New-York, shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the public use of the said corporation: *Provided*, That the lands, tenements and hereditaments, 5
which it shall be lawful for the said corporation to hold, shall be only such as shall be requisite for the purpose of erecting a house or hall thereon, in which to meet, and to transact the business of the said corporation, or such as shall have been bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its business, or purchased at sales on judgments, which shall have been obtained for such debts: *And provided also*, That the amount of the real and personal estate, which the said corporation are hereby enabled to hold, shall not at any one time exceed the sum of twenty-five thousand dollars.

II. *And be it further enacted*, That the officers of the said cor- 6
poration shall be a president, vice-president, treasurer, secretary, and seven assistants, who shall hold their offices for one year, and shall be citizens of this state; and be elected on the last Mon- 7
day in January in every year, at such time and place in the city of New-York, as shall be fixed on by the officers, or ascertained by the bye-laws of the said corporation: That all elections of the 8
said officers or any of them, shall be by ballot, and such persons who shall have at any election the greatest number of votes as president, vice-president, treasurer, secretary or assistants, shall be deemed duly elected to the office for which he or they were severally chosen, and designated by the ballots which were given at any such election, and the said officers shall hold their respective offices for one year, and until others shall be chosen in their places: *Provided*, That nothing contained in this act, shall be so construed as to prevent any or either of the said officers from being re-elected: That if any vacancies shall happen among the 9
said officers by death, resignation or removal, such vacancies shall be filled for the remainder of the year in which they may happen, by a special election for that purpose, to be held in the same manner as the annual elections, at such times or places as shall be fixed on by the officers, or ascertained by the bye-laws of the said corporation: That Philip I. Arcularius shall be the 10
first president of the said corporation, William Wilmerding, vice-president thereof; Leonhard Fisher, the treasurer thereof; Peter A. Camman, secretary thereof; David Grim, John P.

Ritter, Caſper Meier, Jacob Sherred, John Remmey, John B. Daſh, junior, and Henry Heiſer, the reſpective aſſiſtants thereof, who ſhall hold their offices reſpectively until the laſt Monday in January next, and until others ſhall be choſen in their places.

11 III. *And be it further enacted*, That in caſe it ſhould at any time happen that an election for officers ſhould not be made on any day when in purſuance to this act it ought to have been made, the ſaid corporation ſhall not for that cauſe be deemed to be diſſolved, but it ſhall and may be lawful, on any other day, to hold and make an election of officers in ſuch a manner as ſhall have been regulated by the bye-laws and ordinances of the ſaid corporation.

12 IV. *And be it further enacted*, That all elections and all meetings of the ſaid corporation ſhall be made and held at a place certain, to be fixed and determined by the bye-laws of the ſaid
13 corporation; and that at all ſuch elections and meetings of the ſaid corporation, ſo to be held as aforeſaid, thirteen members thereof, including the preſident, or in his abſence the vice-preſident, or in his abſence one of the aſſiſtants, ſhall be conſidered a quorum of the ſaid corporation, and ſhall have full power to do and tranſact all the buſineſs thereof.

14 V. *And be it further enacted*, That the ſaid corporation and their ſucceſſors ſhall have full power, from time to time, to make bye-laws and ordinances relative to the management and diſpoſition of the eſtate and concerns of the ſaid corporation, and the regulation of the perſons exerciſing the offices aforeſaid: *Provided*, That ſuch bye-laws and regulations be not repugnant to the conſtitution or the laws of the United States or of this ſtate.

15 VI. *And be it further enacted*, That the board of officers ſhall, at leaſt once in every year, on the laſt Monday in January, exhibit to the members of this corporation an exact account of the receipts and diſburſements of the preceding year.

16 VII. *And be it further enacted*, That all perſons deſiring to become members of this corporation ſhall be propoſed by at leaſt two members one meeting previous to his or their election, which ſhall be by ballot, and determined by two thirds of the members preſent at ſuch election; that then he or they ſo elected, on paying into the hands of the treaſurer ſuch ſum as the corporation by their bye-laws ſhall direct, provided the ſame ſhall not exceed the ſum of fifteen dollars, ſhall have his or their names inſerted in the general regiſter, and ſhall be entitled to all the privileges and benefits ariſing therefrom.

And to the end that the funds of the ſaid corporation may never be diverted to any other than the charitable purpoſes for which the inſtitution has been expreſsly made and created,

17 VIII. *Be it further enacted*, That the corporation ſhall, within ſixty days after the paſſing of this act, exhibit to the chancellor of this ſtate a full and particular account of all the eſtate, real and perſonal, then veſted in the ſaid corporation, atteſted by the oath of the treaſurer thereof, that the ſame is a

true and perfect account; and shall also, triennially, between the 18
first and last days of May, exhibit to the chancellor for the time being, a like account, together with a particular account of all monies by the said corporation expended in the preceding three years, specifying the several purposes to which it has been applied; and if it should appear to the said chancellor that any 19
monies, except for the necessary purchases or repairs of any buildings which may belong to the said corporation, or for the payment of the treasurer or secretary thereof, or for other charges expressly incidental to the management of the funds thereof, have been applied by the said corporation to any use other than for the support of indigent emigrants, and other German poor, and their descendants, or other charitable purposes, he shall direct the attorney general of the state for the time being, ex officio, to file an information against the said corporation in the supreme court of this state; and if upon the traverse the said corporation shall be found guilty, and judgment shall pass thereupon, that thenceforth the said corporation shall cease and become null and void, and the estate, real and personal, which it may then possess, shall vest in the people of this state.

IX. *And be it further enacted*, That this act be and hereby is declared to be a public act, and that the same be construed in all courts and places benignly and favorably for every beneficial purpose therein intended.

CHAP. CX.

Contents.

7. Bye-laws, society authorized to make.
10. Commerce, certain act not to be construed to restrict.
2. Estate, society restricted in the amount to be held.
11. Manhattan Company, not to be affected by a certain act.
6. Meetings when to be adjourned for want of members.
8, 9. Offences how punished.
3. Officers of the society, what to be, and how chosen.
4. ------- Vacancies how supplied...5. First appointed.
1. Society incorporated, their style and corporate rights.

An ACT *to incorporate the Columbian Friendly Union Society, in the City and County of Albany.*

Passed April 10th, 1804.

WHEREAS divers persons have formed themselves into a society, by the name and style of the Columbian Friendly Union Society, in the city and county of Albany, in order to raise a fund for the support of such of the members of the said society, who may by means of sickness, lameness, age or other causes, be unable to support themselves, and the said society have by their petition presented to the legislature, prayed to be incorporated: Therefore,

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That all such persons as now are 1
or hereafter may become members of the said society, shall be

and hereby are ordained, conſtituted and appointed a body politic and corporate, in fact and in name, by the name of "The Columbian Friendly Union Society, in the city and county of Albany," and that by that name they and their ſucceſſors, ſhall and may for ever hereafter have continual ſucceſſion, and ſhall be in law capable of ſuing and being ſued, pleading and being impleaded, defending and being defended, in all courts and places whatſoever, in all manner of action and actions, ſuits, matters, complaints and cauſes whatſoever, and that they and their ſucceſſors may have and uſe a common ſeal, and may change and alter the ſame at their pleaſure, and alſo that they and their ſucceſſors, by the name of the Columbian Friendly Union Society, in the city and county of Albany, ſhall be capable in law of purchaſing, holding and conveying any real and perſonal eſtate for the uſe of the ſaid incorporation: *Provided*, That ſuch real and perſonal eſtate ſhall not at any time exceed the annual value of two thouſand dollars.

II. *And be it further enacted*, That for the better carrying into effect the objects of the ſaid incorporation, there ſhall be a preſident, two ſtewards, four aſſiſtants, a treaſurer and ſecretary, who ſhall hold their reſpective offices for one year, or until others ſhall be elected in their room, and that ſuch elections ſhall be held at ſuch times and places as the ſaid corporation ſhall by bye-laws from time to time appoint, and that all of the ſaid officers ſhall be elected by ballot, by a majority of the members preſent at ſuch election; and that in caſe any vacancies ſhall happen in either of the ſaid offices, by death, reſignation or otherwiſe, ſuch vacancies or vacancy ſhall and may be filled up for the remainder of the year in which they ſhall reſpectively happen, by a ſpecial election for that purpoſe, to be held in the ſame manner as the ſaid annual elections, at ſuch places and times as ſhall be appointed by the bye-laws of the ſaid corporation.

III. *And be it further enacted*, That James Gibbons ſhall be the firſt preſident, and Moſes Kitier and Chriſtopher Dunn the firſt ſtewards, and Samuel Penny and Edward A. D. Melton the firſt truſtees, and William S. Wells the firſt ſecretary, to hold their offices reſpectively for one year, or until others ſhall be duly elected in their room.

IV. *And be it further enacted*, That if at any meeting held according to the bye-laws of the ſaid corporation, a majority of all the members of the ſaid corporation ſhall not attend, no buſineſs whatever relating to the affairs of the ſaid corporation ſhall be done, but ſuch members as do attend ſhall have power to adjourn from time to time until a majority of all the members can be convened.

V. *And be it further enacted*, That whenever, and as often as a majority of all the members of the corporation ſhall be convened, a majority of the members preſent at any ſuch meeting ſhall have full power to make, conſtitute, ordain and eſtabliſh ſuch bye-laws, rules, ordinances and regulations, and to alter, amend and abrogate the ſame as they from time to time ſhall

judge proper; for appointing the times and places of electing officers; for the admiſſion of new members of the ſaid corporation, and the terms, conditions and manner of ſuch admiſſions, and the amount of the ſums which each member ſhall contribute to the funds of the corporation, and the time and manner of paying the ſame, and alſo for the management, diſpoſition and application of the property, eſtate, effects and funds of the ſaid corporation, for the purpoſe of carrying into effect the objects thereof, and for fixing the times and places of the meetings of the corporation, and the manner of conducting the proceedings of ſuch meetings, and touching the duties and conduct of the officers of the corporation, and for impoſing penalties for breaking or violating any ſuch bye-laws, rules, ordinances or regulations, and alſo ſuch other matters as appertain to the buſineſs, end and purpoſes for which the ſaid corporation is by this act conſtituted, and for no other purpoſes whatſoever: *Provided always*, That ſuch bye-laws, rules, ordinances and regulations, and the penalties impoſed for the violating any of them, be not repugnant to the conſtitution and laws of the United States or of this ſtate.

VI. *And be it further enacted*, That whenever any member of the ſaid corporation ſhall violate and break any of the bye-laws, rules, ordinances and regulations, ſo made as aforeſaid, or ſhall become liable to any penalty impoſed by any ſuch bye-laws, rules, ordinances or regulations, and ſhall neglect or refuſe to pay the ſame, it ſhall and may be lawful in every ſuch caſe, for the ſaid corporation to expel ſuch member from the ſaid corporation, or to proſecute at law for the recovery of the ſaid penalty: *Provided always*, That no member ſhall be expelled otherwiſe than by the votes of two thirds of all the members preſent, at one of the ſtated meetings of the ſaid corporation, and when a majority of all the members ſhall attend.

VII. *And be it further enacted*, That every member expelled from the ſaid corporation, ſhall for ever thereafter be deprived from having or receiving any benefit or advantage whatſoever from the funds, property or eſtate of the ſaid corporation, and that all payments and advances made by ſuch member to the funds of the ſaid corporation ſhall be forfeited to the ſame.

VIII. *And be it further enacted*, That this act is hereby declared to be a public act, and that the ſame be conſtrued in all courts favorably for every beneficial purpoſe therein intended.

Whereas the chamber of commerce of the city of New-York have, by their reſpectful memorial to the legiſlature, expreſſed apprehenſion that the bill paſſed both houſes of the legiſlature at the preſent ſeſſion, entitled "An act to reſtrain unincorporated banking aſſociations," may be ſo conſtrued as to ſubject individuals to inconvenient reſtrictions in their uſual commercial buſineſs and purſuits. Therefore, for the removal of thoſe apprehenſions,

IX. *Be it enacted and declared*, That nothing in the ſaid bill contained, ſhall be deemed or conſtrued to prevent any perſon, aſſociation or company, from tranſacting or purſuing any buſineſs other than ſuch as companies or banks, incorporated for the ex-

prefs purpofe of banking, ufually do or tranfact, nor fhall any thing in the faid act contained, be deemed or conftrued in any manner or way to affect the incorporation in the city of New-York, created by virtue of an act, entitled "An act for fupplying the city of New-York with pure and wholefome water."

Stage Waggons.

CHAP. XXXVII.

CONTENTS.

4. Fare regulated.
9. Passengers, number allowed to be carried at one time.
2. Penalty on persons establishing stages on this route unauthorized.
11. Private Carriages, travelling in, permitted.
1. Right granted, how long to continue.
6. -------- To cease in case of the wilful neglect of the grantees.
3. Stage Waggons, grantees directed to furnish four.
5, 7. ----- How often to run, and time when.
8. -------- In what time to perform the route.
10. -------- Extra, when and how to be fitted out.

An ACT *granting to Levi Stephens and Jason Parker, the exclusive Right for a certain Term of running Stage Waggons between the Village of Canandaigua and the Village of Utica.*

Paffed March 31ft, 1804.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Levi Stephens and Jafon Parker, their executors, adminiftrators and affigns, fhall have, poffefs and enjoy for the term of feven years, from the firft day of June next, the fole and exclufive right of erecting, running and driving during the term aforefaid, fuch and fo many ftage waggons from and to the village of Canandaigua, and the village of Utica aforefaid, on and along the Genefee road or Seneca turnpike, as may be fufficient to accommodate fuch a number of paffengers as may from time to time apply; and that it fhall not be lawful for any other perfon or perfons during the term aforefaid, to erect or eftablifh a ftage or line of ftages on faid route, under the penalty of five hundred dollars, to be recovered by the faid Levi Stephens and Jafon Parker, their executors, adminiftrators or affigns to their own ufe, together with cofts, by an action of debt, in any court of record having cognizance thereof.

II. *And be it further enacted*, That the faid Levi Stephens and Jafon Parker, their executors, adminiftrators and affigns, fhall furnifh and provide at leaft four good and fufficient covered ftage waggons or fleighs, with fufficient horfes, to run between the places aforefaid; and that the fare to be paid by each paffenger, fhall not exceed five cents for every mile, with the liberty to every fuch paffenger of taking with him in fuch carriage fourteen pounds weight of baggage, and that for every one

hundred and fifty pounds weight of baggage over and above fuch fourteen pounds weight of baggage as aforefaid, the fum of five cents for every mile fhall be paid, and fo in proportion for any greater or lefs quantity; and that fuch ftage waggon, or waggons or fleighs, fhall proceed at leaft twice in every week, during the faid term on the line aforefaid: *Provided always,* 6
That if the faid Levi Stephens and Jafon Parker, their executors, adminiftrators or affigns, fhall wilfully neglect or refufe to perform the duties aforefaid, according to the true intent and meaning of this act, that in fuch cafe this act fhall ceafe, and the right and privilege hereby granted fhall be null and void.

III. *And be it further enacted,* That the faid Levi Stephens 7
and Jafon Parker, their executors or adminiftrators, fhall uniformly ftart the faid ftage, and proceed upon days ftated and appointed for that purpofe; and fhall for all the time in each 8
year, between the firft day of June, and the firft day of October, perform and accomplifh the faid route between the villages aforefaid, within forty-eight hours (unavoidable accidents excepted) from and after the time fo as aforefaid appointed and ftated, for the ftarting and proceeding of the faid ftage; and 9
that they fhall not take into the faid ftage at any one time, more than feven grown paffengers with their ufual travelling baggage, to be conveyed upon the faid road without the unanimous confent of the faid feven paffengers; and whenever a 10
greater number of perfons than feven fhall apply for paffage, and cannot be accommodated as aforefaid, if to the number of four grown perfons, the faid Levi Stevens and Jafon Parker, their executors or adminiftrators, fhall immediately fit out and ftart an extra ftage, covered and convenient for the conveyance and accommodation of ftage paffengers, and which faid extra ftage fhall be fubject to all the rules and regulations of the faid principal ftage; and if at any time any perfon or number of perfons lefs than four, who cannot be accommodated by a paffage in the faid principal ftage, and fhall apply for an extra paffage for any diftance more than ten miles upon the faid road, and fhall at any ufual ftage houfe in the faid villages of Utica and Canandaigua, offer the fare for four paffengers at fix cents per mile, then and in fuch cafe it fhall be the duty of the proprietors of the faid ftage, immediately to fit out and ftart an extra ftage as aforefaid, for the accommodation of the faid perfon or perfons applying for paffage as aforefaid: *Provided always,*

IV. *And be it further enacted,* That nothing herein contained 11
fhall be conftrued to prevent or reftrain any perfon or perfons from travelling upon the faid road in private carriages.

Banks.

CHAP. XXXIX.

Contents.

1. Comptroller, to invest certain monies in state bank stock.
6. -------- Authorized to borrow monies.
2. Dividends, compt. to draw warrants in favor of the treasurer for.
8. Governor, his duty in case of a vacancy in the office of treasurer.
3. Shares, to be subscribed on behalf of the state, number limited.
9. Transfer of stock in the state bank, how to be made.
7. Treasurer, his office becoming vacant, who to perform his duties.
10. -------- Certain parts of acts relative to the office of, repealed.
5. Treasurer's Accounts with state bank, monthly statements of, to be procured by the comptroller.
4. State Bank, a deposit for monies received into the treasury.

An ACT *to authorize the Comptroller to subscribe on the Part of this State, to the Stock in the New-York State Bank, and for other Purposes.*

Passed March 31st, 1804.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the amount of such sums of money as have been paid into the treasury since the eighth day of January, one thousand eight hundred and three, and shall hereafter be paid into the treasury by persons indebted to the people of this state by mortgage, for or on account of principal money due thereon; and also the amount of all such sums as shall be paid on account of principal and interest of monies loaned by virtue of an act passed the eighteenth of April, one thousand seven hundred and eighty-six, shall, from time to time, be invested by the comptroller, on behalf of the people of this state, in the stock of the New-Yoak state bank; for which purpose he is hereby authorized and required, at such times as he shall deem expedient, to subscribe, in the name and on behalf of the people of this state, for so many shares of the said stock as the monies so paid shall amount to, and to draw warrants on the treasurer, who shall pay the same out of any monies in the treasury: And it is hereby made the duty of the comptroller, from time to time, to draw warrants in favour of the treasurer for the dividends and profits of the said shares: *Provided*, That the number of shares to be subscribed by virtue of this act shall not exceed four hundred.

II. *And be it further enacted*, That the New-York state bank shall be the place of deposit for all monies which may at any time hereafter be in the treasury of this state, except such sums as may be deposited to the credit of the treasurer in the bank of New-York, any law to the contrary notwithstanding: And it shall be the duty of the comptroller to procure from the books of the said bank, monthly statements of the monies which shall be received into and paid out of the same on account of the treasurer of this state.

III. *And be it further enacted*, That the comptroller be and 6
he is hereby authorized to borrow monies of any of the banks of this ſtate in which the ſtate ſhall hold ſtock, whenever the ſituation of the treaſury ſhall render it neceſſary, to ſatisfy legal demands on this ſtate, and which by law are directed to be paid; and he ſhall draw his warrant on the treaſurer for the amount of ſuch loans, and the intereſt thereon, to be paid out of the firſt unappropriated money which ſhall be in the treaſury.

IV. *And be it further enacted*, That in caſe of the death or in- 7
ability of any treaſurer to execute his office during the receſs of the legiſlature, or in caſe the perſon adminiſtering the government of this ſtate ſhall declare the office of treaſurer vacant, purſuant to the ſecond ſection of the act entitled "An act to appoint a treaſurer, and to amend the act, entitled "An act relative to the office and duties of the treaſurer of this ſtate," paſſed 8th February, 1803, then and in ſuch caſe it ſhall be lawful for the preſident, directors and company of the New-York ſtate bank to execute the office of treaſurer in reſpect to the receiving and paying money, in the ſame manner as the treaſurer of this ſtate is or ſhall be authorized and directed to do by law, until other proviſion be made; and the perſon adminiſtering the government of 8
this ſtate ſhall, by proclamation, give public notice of ſuch death, inability or vacancy.

V. *And be it further enacted*, That no transfer of ſtock in the 9
New-York ſtate bank, hereafter to be made, ſhall be valid or effectual until ſuch transfer ſhall be entered or regiſtered in a book or books to be kept for that purpoſe by the directors, and unleſs the perſons making the ſame ſhall previouſly diſcharge all debts due by him or her to the ſaid corporation which exceed in amount the reſiduary ſtock of ſuch perſon.

VI. *And be it further enacted*, That the third ſection, and ſo 10
much of the fifth ſection of the act, entitled "An act relative to the office and duties of the treaſurer of this ſtate," paſſed 20th March, 1801, as relates to the bank of Albany, and the third ſection of the act, entitled "An act to appoint a treaſurer," and to amend the act, entitled "An act relative to the office and duties of the treaſurer of this ſtate, and for deſtroying certain bills of credit," paſſed 8th February, 1803, and ſo much of the ſecond ſection of the ſaid laſt mentioned act as reſpects the execution of the duties of the treaſurer by the preſident, directors and company of the bank of Albany, ſhall be and hereby are repealed.

CHAP. CXVII.

An ACT *to restrain unincorporated Banking Associations.*

Paſſed April 11th, 1804.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That from and after the paſſing of this act, no perſon unauthorized by law ſhall ſubſcribe to or become a member of any aſſociation, inſtitution or company, or proprietor of any bank or fund for the purpoſe of iſſuing notes,

receiving depofits, making difcounts,
bufinefs which incorporated banks ma
of their refpective acts of incorporatio
authorized by law as aforefaid, fhall
come a member or proprietor as aforefa
for every fuch offence, the fum of one
covered by any perfon who fhall fue fi
debt, one half thereof to his own ufe,
ufe of the people of this ftate ; and all
payment of money, or the delivery of
any fuch affociation, inftitution or co
aforefaid, fhall be null and void : *Prov*
thing herein contained fhall be held in
affociation in the city of Albany, know
cantile Company, nor the affociatio
known by the name of the Merchants'
day in May, one thoufand eight hund

II. *And be it further enacted*, That
tons, inftitutions or proprieties, form
aforefaid, that now exift in this ftate, f
of May, one thoufand eight hundred a
and to loan money ; and any perfon
the iffuing any fuch notes or loaning
faid, after the firft Tuefday of May, o
and five, fhall forfeit and pay, for eve
one thoufand dollars to be recovered a
ner prefcribed in the firft fection of th

Churches

CHAP.

An ACT *to authorize the Trustees of Church, styled Sanctity Church, in th the County of Columbia, to sell a certa Barn with one Acre of Ground on whic*

WHEREAS the truftees of the rel
ftyled Sanctity church, at Ger
Columbia, have by their petition to
leave to fell for the benefit of the fai
dwelling houfe and barn, with one acr
houfe and barn ftand, belonging to th
town aforefaid : Therefore,

I. BE *it enacted by the People of the sented in Senate and Assembly*, That full p
ful authority, fhall be and hereby is
faid church, to fell and alien in fee, all
to the faid church, or vefted in them
certain ftone dwelling houfe and a fra
ground, fituate in faid town of Germa

on the fouth by the highway, and to the eaft, north and weft, by lands belonging to Gerrit Cock and Abraham Cock.

II. *And be it further enacted*, That the faid truftees fhall fell the faid land for the beft price which can be obtained for the fame, and put out the monies arifing from the faid fale at intereft on good real fecurity for the ufe of the faid church.

CHAP. LX.

An ACT *to enable the Trustees of the first Presbyterian Church in Goshen, to sell a Part of their Parsonage Lands, for the Purposes therein mentioned.*

Paffed April 5th, 1804.

WHEREAS the truftees of the firft Presbyterian church in Gofhen are feifed and poffeffed of three certain lots of land, fituate in the village of Gofhen, adjacent to the court houfe and academy in faid village, containing together about one hundred and feventy acres: And whereas the faid truftees have repreferted to the legiflature, that it would have a tendency greatly to increafe the funds of the faid corporation, for the fupport of the gofpel in faid church, as well as to improve the faid village, if they fhould be authorized and empowered by law to fell in fee fimple, a part of the faid three lots of land in fmall building lots. The legiflature being willing to comply with their wifhes in the premifes: Therefore,

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the truftees of the firft Prefbyterian church in Gofhen, and their fucceffors, fhall be and hereby are authorized and empowered to fell and convey in fee fimple, any part of faid three lots of land belonging to faid church, not exceeding in the whole twenty acres, to be laid out in fmall building lots, the largeft of which fhall not exceed one acre: *Provided always*, That the faid fales or any of them fhall in no wife encroach upon the dwelling houfe, out houfes, barns, yards, gardens and orchard, on the moft eafterly of faid three lots of land.

II. *And be it further enacted*, That the money arifing from the fale or fales of the faid fmall lots of land, or of any of them, fhall be, by the faid truftees and their fucceffors, put out and kept out at intereft on approved landed fecurity, of at leaft double the value thereof, from time to time, as the fame fhall be received by the faid truftees or their fucceffors, and the intereft arifing from the monies fo to be put out and kept out at intereft, fhall be by the faid truftees and their fucceffors, appropriated to the ufe of the minifter for the time being in faid church, and for the fupport of the gofpel therein, or to be added to their principal money, and put out at intereft as aforefaid, and upon like fecurity as to the faid truftees, fhall appear moft likely to carry into effect the pious and benevolent intentions of the original donors of the faid three lots of land.

or houſes which have been ſold under the authority of the be-
fore recited act; and having aſcertained the ſame, he ſhall 2
draw a warrant on the treaſurer for the amount, and cauſe the
ſame to be paid to ſuch officer of the United States as is or ſhall
by law be authorized to receive the ſame.

II. *And be it further enacted*, That it ſhall be the duty of the 3
comptroller to procure from the proper officer, at the expenſe
of this ſtate, correct tranſcripts of the liſts of all the tracts of
land, or lots and houſes which have been ſold, either in whole
or in part, for non-payment of the ſaid tax.

III. *And be it further enacted*, That any tax paid in purſu- 4
ance of this act, and the intereſt and charges reſpectively, to-
gether with an intereſt of fourteen per cent per annum, to com-
mence from the period of the payment thereof by the treaſurer
of this ſtate, ſhall be a lien upon the real eſtate ſo diſincumber-
ed from the tax, intereſt and charges impoſed thereon by virtue
of the before recited act of the congreſs of the United States,
until the ſame tax, intereſt and charges thereon reſpectively,
together with the ſaid intereſt of fourteen per cent per annum,
upon the whole amount thereof, ſhall be paid or received, not-
withſtanding any alienation or diviſion in the whole or in part
which has or ſhall take place, and ſuch lien ſhall be conſidered
a mortgage: And the comptroller ſhall, as ſoon as conveniently 5
may be after procuring tranſcripts of the liſts of lands which
have been ſold for the non-payment of the ſaid tax, cauſe no-
tice to be given, for the ſpace of three months, in the newſpa-
per printed by the printer to this ſtate, and in two of the newſ-
papers printed in the city of New-York, and one in the county
of Oneida, that unleſs the owners or other perſons in their be-
half, ſhall, within three years after the date of ſuch notice, pay
to the treaſurer of this ſtate the amount of tax, charges, coſts
and intereſt thereon, and expenſe of publication, which may be
reſpectively due, ſo much of the ſaid lands will be ſold at public
vendue, at the city-hall of the city of Albany, to the higheſt
bidder, as ſhall be neceſſary to pay the ſame, together with the
charges of ſuch ſale: And the comptroller ſhall cauſe ſuch ſale 6
to be made accordingly, giving three months previous notice
thereof in the manner before preſcribed, after the time hereby
limited for the payment of ſuch tax, charges and coſts, and in-
tereſt thereon, and expenſe of publication: And the comptrol- 7
ler ſhall, on every ſuch ſale, give to the purchaſer a certificate
thereof; and if any perſon, claiming title to the lands deſcribed
in ſuch certificate, ſhall not, within three years from the date
thereof, pay to the comptroller, for the uſe of the purchaſer,
his heirs or aſſigns, the amount for which ſuch land ſhall be
ſold, together with an intereſt of fourteen per cent per annum
from the date of the ſaid certificate, the comptroller ſhall, at
the expiration of the ſaid three years, execute to the purchaſer
his heirs or aſſigns, in the name of the people of this ſtate, a
releaſe for the lands ſo ſold.

IV. *And be it further enacted*, That the comptroller ſhall from 8
time to time, give to any perſon requiring the ſame, a certifi-

of the town of Aurelius, and from the said John Simpson, junior, collector of the town of Ovid, and return the same with the deficiencies to the comptroller, in the same manner as he might have done, had the said collectors made their respective returns agreeable to law.

II. *And be it further enacted*, That the comptroller be and he is hereby authorized and directed to receive the said returns, and collect all arrearages which he shall find due on the lands of non-residents, and make return to the treasurer of the said county of Cayuga the deficiencies which shall appear to be due of taxes laid on those who were inhabitants in the said towns, and the said arrears due from the inhabitants of the respective towns shall be re-assessed, collected and paid by the said inhabitants, in the same manner as other taxes are levied, collected and paid.

III. *And be it further enacted*, That in case the said Isaac Goodrich and John Simpson, junior, or either of them, shall refuse to deliver the said tax lists in their possession, with an account of the monies received by them respectively for taxes, on or before the first day of June next, they or either of them so refusing shall be subject to pay the deficiencies of the sums collected by him in an action of debt, to be brought by the treasurer of the said county in his own name, with costs of suit, which sum when received shall be for the use of the town where such deficiency was made by the collector.

CHAP. XCIV.

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11. Assessment Roll, &c. when to be delivered to the collectors.
6. -------- Forms of, &c. comptroller to procure, &c.
8. Collectors, before whom to make oath to returns of unpaid taxes.
1. Compt. his duty, where land shall be assessed in a wrong town.
2. -------- In his notices for the sale of lands, how to describe them.
4. County Treasurer, his duty respecting deficiencies of taxes.
13. -------- To compare returns of unpaid taxes with assessment rolls.
7. Lands, taxed for more acres than they contain, compt. his duty.
5. Supervisors, their duty in relation to deficiencies on taxes.
12. -------- When no state tax is raised, their duty.
14. -------- In the southern district, their duty when no s. tax is laid.
3. Taxes, for deficiencies of, on real estates, compt. to credit c. treas.
9, 10. ------ Twice paid, &c. comptroller's duty respecting.

An ACT *supplementary to the Act for the Assessment and Collection of Taxes.*

Passed April 9th, 1804.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That in case it shall be made 1
to appear satisfactorily to the comptroller, that any tract of land has been or shall hereafter be assessed in a wrong town, he shall in the margin of the assessment roll or in the return of unpaid

ſhall be valid in the ſame manner as if the oath had been adminiſtered by the county treaſurer.

VII. *And be it further enacted*, That in all caſes in which it 9
ſhall be made to appear to the comptroller, that any tax returned as unpaid was previouſly to ſuch return being made paid to the collector, the comptroller ſhall be and is hereby authorized to cancel ſuch tax on the books in his office, and in caſes of payment into the treaſury of ſuch tax, he ſhall draw a warrant on the treaſurer for the amount, and ſhall tranſmit an account thereof to the ſuperviſors of the county, who ſhall cauſe the ſame to be collected of the collector who committed ſuch miſtake.

VIII. *And be it further enacted*, That if it ſhall appear to the 10
comptroller, that any tax has by miſtake been paid into the treaſury of this ſtate more than once, the comptroller ſhall be and is hereby authorized to draw a warrant on the treaſurer for the reimburſement of the ſum ſo erroneouſly paid.

IX. *And be it further enacted*, That the aſſeſſment rolls and 11
warrants directed to be made out and delivered to the collectors of the ſeveral wards and towns in this ſtate, by the fifth ſection of the act hereby amended, ſhall be delivered to them reſpectively on or before the ſecond Tueſday of November in every year.

X. *And be it further enacted*, That when there is no ſtate tax 12
to be raiſed, the ſuperviſors of the ſeveral counties ſhall not be required to tranſmit copies of the aſſeſſment rolls to the comptroller, as required by the fifth ſection of the act hereby amended, but in lieu thereof ſhall cauſe their clerk to aſcertain the aggregate amount of the valuation of real and perſonal eſtate in the ſeveral towns or wards in the ſame county, and tranſmit a certificate of the ſame to the comptroller on or before the firſt day of February in every year.

XI. *And be it further enacted*, That it ſhall be the duty of the 13
ſeveral county treaſurers carefully to compare the returns of unpaid taxes, made by the ſeveral collectors, with the original entries of the ſame taxes in the aſſeſſment rolls; and the ſaid returns ſhall ſpecify the owners' names of real eſtate where the ſame are inſerted in the aſſeſſment roll, the quantity of land, deſcription and valuation of the ſame, as well as the tax remaining due and unpaid; and the county treaſurer ſhall endorſe on the ſame returns a certificate of ſuch examination, and that the entries therein contained are an exact transſcript from the aſſeſſment rolls.

XII. *And be it further enacted*, That when no ſtate tax is to be 14
raiſed the ſeveral boards of ſuperviſors in the ſeveral counties in the ſouthern diſtrict of this ſtate, at their annual meeting ſhall after having aſcertained the ſum to be raiſed on each town, proceed [illegible] out and ſign the warrants to the collectors of the ſev[illegible] as the law directs, and deliver the ſame, with the aſſ[illegible]d, [illegible] ſuperviſors of each town; and the ſaid [illegible] and ſet down oppoſite to each perſon's [illegible] a tax thereon, or cauſe the ſame to [illegible] and make one fair copy thereof,

and ſign his own name thereto, and deliver the ſaid aſſeſſment roll, together with the warrant, to the collector of ſaid town, on or before the ſecond Tueſday of November in each and every year, any law to the contrary notwithſtanding.

15 XIII. *And be it further enacted*, That the proviſo in the eighteenth ſection of the act, entitled "An act for the aſſeſſment and collection of taxes," ſhall be and the ſame is hereby repealed.

Partition.

CHAP. LXX.

An ACT *for the Partition of certain Lots of Land in the Town of Southampton, County of Suffolk.*

Paſſed April 7th, 1804.

WHEREAS the common lands belonging to the town of Southampton, in Suffolk county, have been divided among the proprietors of the ſaid town, and the greateſt part of the lands ſo divided are now owned by a number of perſons as tenants in common: And whereas it is neceſſary for the preſervation of the wood growing on the ſaid lots ſo owned in common, that ſome mode of diviſion leſs expenſive to the owners than the preſent mode preſcribed by law be adopted: Therefore,

I. BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That on application of any owner in ſuch lot or lots, to the truſtees of the ſaid town, for a partition of ſuch lot or lots among the owners of the ſame, other than the ſaid truſtees, or either of them, it ſhall and may be lawful for the ſaid truſtees, on the ſaid applicant making oath before the ſaid truſtees, which oath they are hereby authorized to adminiſter, that he has given ten days notice to the other owners of the ſaid lot or lots reſiding in the ſame county, of his intention to make ſuch application for the partition of the ſame, to appoint commiſſioners to make partition of ſuch lot or lots among the owners thereof; and the ſaid commiſſioners, after making ſuch partition, ſhall make a return thereof under their hands and ſeals, and acknowledged before a juſtice of the peace, to the truſtees, within twenty days from their being appointed, for the approbation of the ſaid truſtees, and if they ſhall approve of the partition made as aforeſaid, they ſhall certify the ſame on the return of the partition, and ſhall cauſe the ſame to be entered on record in a book to be provided by them for that purpoſe; and alſo of entering the petition, affidavit, and all the neceſſary proceedings relative to ſuch partition, but if they ſhall not approve of ſuch partition, they may order another partition to be made of the ſame lot or lots.

II. *And be it further enacted*, That the accounts of the commiſſioners to be appointed as aforeſaid, for making ſuch partition, ſhall be audited by the ſaid truſtees, and ſhall be allowed not to exceed two dollars per day for their ſervices.

III. *And be it further enacted*, That if any owner of the lot of land which ſhall be ſo divided, ſhall neglect or refuſe to pay his proportion of the expenſe of ſuch partition, which expenſe ſhall be in proportion to the number of acres allotted to ſuch owner, it ſhall and may be lawful for the ſaid truſtees to ſell at public vendue, ſo much of the land belonging to the perſon ſo neglecting or refuſing as will be ſufficient to pay his proportion of the expenſe aforeſaid, and of the ſale and advertiſing the ſame, at leaſt ten days by an advertiſement to be ſet up at the uſual place of ſetting up advertiſements in the ſaid town of Southampton, which expenſe of ſale, advertiſement and giving a deed by the truſtees, ſhall not exceed the ſum of two dollars.

IV. *And be it further enacted*, That the partition of lots ſo to be made as aforeſaid, ſhall be good and valid, any law, uſage or cuſtom to the contrary in any wiſe notwithſtanding.

CHAP. LXXVIII.

Contents.

1, 2. Certain alterations made in the act for the partition of lands.
3. 4, The children of Anthony Rutgers deceased, altho infants, authorized to execute releases to complete a partition of certain lands.

An ACT *supplementary to the Act for the Partition of Lands, and for other Purposes.*

Paſſed April 9th, 1804.

WHEREAS it frequently happens that tenants in common, of lands, tenements or hereditaments, are unable to diſcover who are their co-tenants, or to ſet forth the rights and titles of the reſpective parties intereſted in the premiſes: Therefore,

I. BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That in every caſe where any one or more of the parties intereſted in common as aforeſaid, ſhall preſent a petition to either of the courts of common pleas within this ſtate, for the partition of any real eſtate, lying in the county where the ſaid courts ſhall reſpectively be held, or to the ſupreme court for the partition of any real eſtate within this ſtate, deſcribing the ſame real eſtate, and his, her or their intereſt therein, and ſhall have complied with the directions of the act for the partition of lands, in reſpect to all the perſons known to be intereſted as tenants in common in the ſame, and ſhall in the ſaid petition ſuggeſt, and alſo make an affidavit, that he, ſhe or they, is or are ignorant of the other perſons intereſted as tenants in common, in the ſaid lands, tenements or hereditaments, or ſome of them, the court ſhall direct a copy of the ſaid petition, and a notice to the parties concerned in the ſaid lands, tenements or hereditaments, and unknown as aforeſaid, in ſuch form as may be thought proper, to be publiſhed in one of the public newſpapers printed in each of the cities of New-York and Albany, for the ſpace of at leaſt three months; and

ſuch publication ſhall be deemed ſuffici
ſo intereſted, though their names ſhall
in ; and upon due proof by affidavit
court may proceed to make rules for
the ſaid lands, tenements and heredita
aforeſaid, to appear and ſhew title to th
may claim of the ſame, and to anſwer
ſuch perſons ſhall appear and ſhew ti
ceedings ſhall in all reſpects thereafte
ſaid act, as if the ſaid parties had bee
ſaid petition ; but if the ſaid parties ſ
title as aforeſaid, then the court ſhall
appoint commiſſioners, and partition ſ
to the directions of the ſaid act, and t
thereupon be entitled in ſeveralty to th
lands, tenements or hereditaments, wh
them reſpectively, or of the money ari
as the caſe may be ; and it ſhall be lav
direct ſuch money to be placed at int
benefit of ſuch parties until claimed, a
proportions of the expenſes of ſuch pr
ſuch ſale has been made, then to direct
the ſaid proportions out of the ſhares
known, which may fall to them reſpe
tion : *Provided always*, That ſuch parti
in any manner to conclude perſons not
ings, and having or claiming any rig
property, from controverting the title
ties who may apply for or obtain ſuch
also, That ſuch petitioners ſhall not b
court any of the money arifing from
ſhall give ſecurity to the ſatisfaction of
ſame with intereſt, in caſe they ſhall a
after not to have been entitled theret
That nothing in this act contained, ſ
manner to authorize the revival or prof
lands, which might otherwiſe be barred
tion, or the acquieſcence of any party
aid the proſecution of any claim that m
every ſuch claim ſhall be and remain in
this act had not paſſed.

2 II. *And be it further enacted*, That t
in all caſes, appoint ſuch three reputa
may think proper, to be commiſſioners
in caſe the lands, tenements or here
ſhall be in more counties than one, may
3 miſſioners for the ſeveral counties, or any
repreſented to the legiſlature by the pe
rence and others, that the petitioners w
as tenants in common with Anthony Ru
in all that certain tract of land ſituate in
within this ſtate, commonly known by t

tent: That in order to ſave expenſe to the parties intereſted in the ſaid tract of land, they have, by mutual conſent, made a juſt and equitable partition thereof among the proprietors: That the ſaid Anthony Rutgers was ſeiſed of only one undivided thirtieth part of the ſaid tract of land, and that he hath left a widow and four children, to wit, Cornelia Rutgers, Eliza Ann Rutgers, Gertrude Rutgers, and Mary Governeur Rutgers, who are infants under the age of twenty-one years: That all the ſaid proprietors, except the ſaid infants, have executed mutual releaſes to each other, purſuant to the ſaid partition, but by reaſon of the infancy of the ſaid children of the ſaid Anthony Rutgers, the ſaid partition cannot be completed on their part without legiſlative aid: Therefore,

III. *Be it further enacted*, That it ſhall be lawful for the ſaid infants reſpectively to execute releaſes for completing the ſaid partition on their part, and that upon the execution and delivery thereof the ſame ſhall be good and effectual in law to all intents and purpoſes as if executed by perſons of full age.

Powder.

CHAP. LXXXV.

An ACT *authorizing the Commissary of Military Stores to distribute the damaged Powder of this State to the different Companies of Artillery.*

Paſſed April 9th, 1804.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the commiſſary of military ſtores be and he is hereby authorized and required to diſtribute the damaged powder belonging to the people of this ſtate, among the different companies of artillery, in equal proportions, and to deliver the ſame to the commanding officers of ſuch companies, or their order.

II. *And be it further enacted*, That it ſhall be the duty of the commiſſary of military ſtores, as ſoon as conveniently may be, to depoſit in the arſenal, in the city of Albany, ſuch proportion of the powder as will belong to the different companies of artillery in the eaſtern and weſtern diſtricts, except the ſame is already depoſited in one of the ſaid diſtricts.

Fires.

CHAP. CIV.

An ACT *for the better Extinguishing of Fires in the Village of Sing-Sing, in the Town of Mount-Pleasant, in the County of Westchester.*

Paſſed April 9th, 1804.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it ſhall and may be

lawful for the freeholders and inhabitants of the ſaid village, having a right to vote at town meetings, and reſiding within the following limits, to wit: Beginning at the Hudſon's river, where a run of water between Daniel Delavan and Albert Orſer, empties into the ſaid Hudſon's river north of Sing-Sing, from thence eaſtwardly on a ſtraight line to the houſe of Solomon Sherwood, eſquire, including the ſaid Solomon Sherwood; thence ſoutherly and ſouthweſterly along the country road to the poſt-road; thence ſoutherly along the ſaid poſt-road to the landing of William Kemyes on the ſaid Hudſon's river; thence northerly along the ſaid Hudſon's river to the place of beginning, including all houſes within the ſaid bounds; and alſo all the houſes on each ſide of the before mentioned roads, to aſſemble together on the third Monday in May next, at the houſe Nathaniel Holmes, innkeeper in ſaid village, and on the firſt Monday in May in every year thereafter, at ſuch place as ſhall be agreed on by a majority of votes at their laſt meeting, and then and there by a majority of the votes of thoſe ſo met, and having a right to vote, chooſe ſo many able bodied men, reſiding within the limits aforeſaid, as a majority of thoſe ſo met ſhall think proper, not exceeding fifteen men to each engine, to have the cuſtody, care and management of each, and every fire engine or engines that may be procured by the inhabitants of ſaid village, and all other tools and inſtruments for extinguiſhing fires within the ſaid limits, and all or any of the perſons ſo by them to be choſen from time to time at any ſuch meeting to remove or diſplace, and any other perſon or perſons in his or their place and ſtead to chooſe as aforeſaid, and that the perſons ſo choſen, ſhall be called the firemen of the village of Sing-Sing, and ſhall be ready at all times as well by night as by day, to manage, work and exerciſe the ſaid fire engine or engines, and the other tools and inſtruments aforeſaid, and ſhall be ſubject to ſuch rules, orders and regulations as the freeholders and inhabitants reſiding in the ſaid village within the ſaid diſtrict, and having a right to vote as aforeſaid, ſhall at ſuch meeting from time to time make and eſtabliſh for the better government of the ſaid firemen, and likewiſe at every ſuch meeting, to chooſe in manner aforeſaid, one or more proper perſons reſiding within ſaid diſtrict, to be their clerk, whoſe duty it ſhall be to enter all the names of ſuch perſons ſo choſen firemen as aforeſaid, in a book to be by him provided and kept for that purpoſe, and to make an entry of all the proceedings in the ſaid book at every ſuch meeting, and likewiſe that a majority of the freeholders and inhabitants at their meetings as aforeſaid, are hereby empowered to direct and require the inhabitants and owners of houſes, to provide themſelves with ſuch and ſo many fire-buckets to be ready in their reſpective houſes for the purpoſes of extinguiſhing fires which may happen in the ſaid diſtrict, and to impoſe ſuch reaſonable fines and penalties for every default or diſobedience of ſuch rules and regulations, or deficiency of buckets, as a majority of the ſaid freeholders at their ſaid meetings as aforeſaid, ſhall think proper, which fines, penalties and forfeitures ſhall be recovered

before any juſtice of the peace in and for the ſaid county, by the ſaid clerk, in an action of debt, with coſts, in his own name, and when recovered ſhall be applied towards keeping in repair the ſaid fire engines and tools thereunto belonging.

II. *And be it further enacted*, That every ſuch perſon ſo to be choſen a fireman as aforeſaid, ſhall be and is hereby declared to be during his continuance as a fireman, and no longer, exempted and privileged from being impanelled on any jury or inqueſt, except jurors in juſtices' courts, and coroner's inqueſts, and a certificate from the clerk aforeſaid, ſhall be a ſufficient evidence of ſuch privilege and exemption.

Beef and Pork.

CHAP. XCIII.

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An ACT *for the Repacking and Inspection of Beef and Pork.*

Paſſed April 9th, 1804.

I. BE *it enacted by the People of the State of New-York, repre-*
1 *ſented in Senate and Aſſembly*, That it ſhall and may be lawful for the perſon adminiſtering the government of this ſtate, for the time being, by and with the advice and conſent of the council of appointment, before the firſt day of July next, to appoint not more than ten repackers and inſpectors of beef and pork for the city and county of New-York, and one or more for each other county in the ſtate, as ſhall from time to time be neceſſary ; alſo one inſpector in the city of New-York, to inſpect and put up beef killed agreeably to the rites and cuſtoms of the people called Jews.

2 II. *And be it further enacted*, That the repackers to be appointed by virtue of this act, ſhall provide themſelves with good and ſufficient ſtores or yards capable of receiving and ſtoring ſuch beef and pork as may be brought to them for inſpection, in ſuch places as will be moſt accommodating to employ-
3 ers and beſt calculated to facilitate their buſineſs ; but nothing ſhall be allowed for ſtorage of any beef or pork inſpected by them, if removed and taken away within three days after notice given to the owner or agent of its being repacked.

4 III. *And be it further enacted*, That all barrels in which any beef or pork ſhall be repacked, ſhall be made of good ſeaſoned
5 white oak or white aſh ſtaves and heading, free from every defect ; and each barrel ſhall contain two hundred pounds weight of beef or pork, the barrels to meaſure ſeventeen inches and an half between the chimes, and to be twenty-eight inches long, to be
6 hooped with twelve good hickory, white oak, or other ſubſtantial hoops ; if the barrel be made of aſh ſtaves, the ſame ſhall be hooped with fourteen hoops at leaſt ; the ſtaves and heads to be made of good thick ſtuff, the heads not leſs than three quarters
7 of an inch thick, and each and every ſtave, on each edge, at the bilge, ſhall not be leſs than half an inch thick, and at each chime, not leſs than half an inch thick when finiſhed, otherwiſe they
8 ſhall be condemned by the ſaid repackers when brought to them reſpectively ; the hoops to be well ſet and drove, and the barrels to be branded on the bilge with at leaſt the initial letters of

the cooper's name ; the half barrels to contain not less than fif- 9
teen nor more than sixteen gallons, and made in proportion to and of like materials as a whole barrel, and to contain one half the quantity of beef or pork of the whole barrel.

IV. *And be it further enacted*, That all beef and pork which 10
shall be repacked in, and exported from the counties of Suffolk, Kings and Queens, may be packed in barrels made of good seasoned red oak staves and heading, of the growth of the said counties respectively, free from sap and every defect, and made otherwise as above directed, and all the said barrels shall be as nearly straight as may be, and without being subject to a re-examination if shipped or exported from the city of New-York.

V. *And be it further enacted*, That the repackers so to be ap- 11
pointed shall examine and sort all beef and pork which shall be killed after the first day of October next, to be by them repacked, and such only as is well fatted shall be branded by them ; that 12
the best quality of pork shall be denominated mess pork, and shall consist of none but the sides of good fat hogs, and the barrels containing it shall be branded on one of the heads, "mess pork ;" and the second quality shall be denominated prime pork, of 13
which there shall not be in a barrel more than three shoulders, the legs being cut off at the knee joint, and shall not contain more than twenty-four pounds of head, which shall have the ears and snouts cut off, the snouts cut off to the opening of the jaws, and the brains and bloody grizzle taken out of the heads, and the rest of the pork to constitute a barrel of prime, shall be made up of side pieces, neck and tail pieces, and on one head of every barrel of such pork, shall be branded "prime pork ;" and 14
the third quality of pork shall be denominated cargo pork, of which there shall not be in a barrel more than thirty pounds of head, and four shoulders, and shall be otherwise merchantable pork, and shall be branded on one head of each barrel "cargo pork ;" that every half barrel shall contain one half the quan- 15
tity of the different kinds or qualities of pork of a whole barrel ; side pork, so to be repacked, shall be cut from the back bone to the belly, in pieces of about five inches wide, and which in weight shall not exceed twelve nor be under four pounds, otherwise the barrels containing the same shall not be branded as merchantable : In every whole barrel of pork there shall not be 16
less than two and an half pecks of good St. Ubes, Isle of May, or other hard salt of equal quality, and in every half barrel ten quarts.

VI. *And be it further enacted*, That no beef that shall be kill- 17
ed after the first day of October next, shall be repacked in barrels for exportation, unless it be of fat cattle not under three years old ; that all such beef shall be cut into pieces as square as may be, and which shall not exceed twelve nor be under four pounds weight, that all beef which city or county inspectors shall find 18
on examination to have been killed at a proper age to be fat and merchantable, shall be sorted and divided into three different sorts for packing and repacking in barrels and half barrels, to be denominated mess, prime and cargo beef ; mess beef shall 19

consist of the choice pieces of such beef
ted, without hocks, shanks, clod or neck
contain two choice rounds out of the sam
ten pounds weight each, and on one of
rel containing two hundred pounds weig
scription, shall be branded the words " m
beef shall consist of choice pieces of goo
there shall not be more than one half ne
shanks (with the hocks cut off of the hi
place above the joint) in a barrel, and o
all barrels and half barrels containing b
shall be branded the words " prime be
shall be of fat cattle, with a proportion
more than one half of a neck, three shar
off in the same manner as in prime, in a
wise merchantable, and one head of eac
containing beef of this quality, shall be
" cargo beef ;" that the repackers shal
pecks of good St. Ubes, Isle of May,
equal quality, into each barrel of the sa
four ounces of salt petre, and one half of
each half barrel : And further, that the
be be cut off in the knee joint.

VII. *And be it further enacted*, That no
virtue of this act, shall inspect or brand a
out of the city or county for which he sl
the penalty of twenty-five dollars for eac
branded ; and if any person other than t
brand any cask of beef or pork in the
act, every person so offending shall fo
dollars for each and every cask so brand

VIII. *And be it further enacted*, That
have twenty cents for each barrel, and t
for each half barrel of beef or pork he sh
pack ; twelve and an half cents, for flag
salting and pickling ; nine cents for four
each barrel ; three cents for each hoop.

IX. *And be it further enacted*, That all
with in this state, shall be pickled with stre
any kind of good clean salt, as much as w
water ; and if the barrels and half barre
the dimensions aforesaid, the same shall
repacker or to be filled up by him with
pork, at the expense of the owner, if th
and on the head of every barrel and half
beef and pork inspected and repacked as
tinctly branded the weight it contains, w
christian name, and the surname at full
who has inspected the same, or both nan
the words " New-York city," if inspecte
ty of New-York, and the name of the
" state of New-York," if inspected and

county : *Provided always*, That all beef killed according to the 30
rites and customs of the people called Jews, shall be packed and put up according to the directions of this act, and shall be branded with the additional brand of that society : And further, that it shall be lawful to pack and put up the same in ten and five gallon kegs.

X. *And be it further enacted*, That every of the repackers to 31
be appointed by virtue of this act shall, before he enters on the the execution of his office, take the following oath or affirmation before any justice of the peace, to wit : "I do solemnly swear, or affirm, that I will faithfully, truly and impartially, according to the best of my judgment, skill and understanding, execute, do and perform the office and duty of an inspector and repacker of beef and pork, or of beef, as the case may be, according to the true intent and meaning of the laws of this state relative to the same, and that I will not directly or indirectly brand, or suffer to be branded, any barrels of beef or pork, unless the same shall be of the qualities, and repacked according to the laws of this state."

XI. *And be it further enacted*, That if either of the inspectors 32
appointed by virtue of this act shall be guilty of any neglect or fraud in inspecting any beef or pork or of offering any fee or reward to owners of provisions or their agents, or any other person, in order to obtain the profits of inspecting or repacking the same, on any pretence whatever, or shall brand any cask containing beef or pork, contrary to the true intent and meaning of this act, or which has not been actually inspected agreeable to the laws of this state, he or they shall, for every such offence, forfeit and pay the sum of ten dollars.

XII. *And be it further enacted*, That if any person shall inter- 33
mix, take out, or shift any beef or pork of any barrel or cask inspected and branded as by this act is required, or put into any barrel inspected and branded, any other beef or pork for sale or exportation, or alter the face, or change the brand or mark of any inspector, contrary to the intention of this act, the person so offending shall, for each and every such offence, forfeit and pay the sum of twenty-five dollars.

XIII. *And be it further enacted*, That the salt manufactured in 34
the counties of Onondaga, Seneca and Cayuga, may be used in packing and putting up beef and pork in the counties of Herkimer, Oneida, Tioga, Cayuga, Onondaga, Seneca, Ontario, Steuben, Chenango, Otsego, Genesee, and St. Lawrence, any thing in this act contained to the contrary notwithstanding : *Provided always*, That the quantity of salt for each barrel of pork shall not be less than forty-six pounds weight, and not less than twenty-three pounds weight in each half barrel, and not less than thirty-eight pounds of said salt in every barrel, nor less than nineteen pounds in every half barrel of beef salted therewith.

XIV. *And be it further enacted*, That if any person or persons 35
shall export or ship for exportation out of this state, any beef or pork not being inspected, pickled or branded by one of the sworn

inſpectors as aforeſaid, every ſuch exporter or ſhipper ſhall forfeit the ſum of ten dollars for every barrel ſo exported or ſhipped.

5 XV. *And be it further enacted*, That all the beef and pork that ſhall be brought into this ſtate from any other of the United States, and ſhall be packed and branded agreeable to the laws of the ſtate it comes from, ſhall not be ſubject to re-inſpection in this ſtate.

7 XVI. *And be it further enacted*, That the inſpector of each city and county, in the month of June in every year, ſhall make a return to the perſon adminiſtering the government of this ſtate, of the whole number of barrels and half barrels of beef and pork inſpected according to the directions of this act by him the year preceding, deſignating the different ſorts and qualities of beef and pork, and the cities and counties in which the ſame was packed and inſpected.

8 XVII. *And be it further enacted*, That no inſpector or repacker of beef or pork ſhall hereafter buy or ſell any beef or pork, excepting remnants which may be occaſioned by the barrels over running or falling ſhort of the weight required by law, except what ſuch inſpector may want for his own family conſumption.

9 XVIII. *And be it further enacted*, That all beef and pork inſpected, packed, repacked and pickled by the ſaid inſpectors, ſhall be paid for before the ſame is taken from the ſtores or yards of the ſaid inſpectors and repackers.

0 XIX. *And be it further enacted*, That it ſhall and may be lawful for the perſon adminiſtering the government of this ſtate for the time being, by and with the advice and conſent of the council of appointment, before the firſt day of June next, to appoint two of the repackers in and for the city and county of New-York, to be tappers or examiners, for the ſpecial purpoſe of tapping and examining all beef and pork in the months of June, July, Auguſt and September, which may be ſtored in the city of New-York.

1 XX. *And be it further enacted*, That it ſhall be the duty of the tappers or examiners to be appointed, and they are hereby required, once in each of the aforeſaid months, to examine all pork that may be ſtored in the aforeſaid city, ſouth and weſt of the line deſignated in the third ſection of the act, entitled "An act ſupplementary to an act, entitled an act to provide againſt 2 infectious and peſtilential diſeaſes;" and the owners or agents having the poſſeſſion, care or direction of any pork ſtored in ſuch part of the ſaid city, are hereby required to give notice to the ſaid tappers or examiners, or one of them, from time to time, during the ſaid months, where the ſame is ſtored, and to permit the ſaid tappers or examiners, or one of them, to en- 3 ter into any ſuch ſtore for that purpoſe; and ſuch tappers or examiners are authorized and required to have or cauſe to be removed to proper places, without the bounds of the ſaid city, all ſuch pork as ſhall appear to them to be in danger of ſpoiling or becoming injurious to the health of the citizens of New-York; and the ſaid tappers or examiners ſhall, on information given to them of any beef or pork ſtored in the ſaid city being in a putrid ſtate, or likely to become ſo, go to the place or ſtore

where the ſame is ſaid to be, and ſhall examine the ſame immediately, and if neceſſary, to cauſe the ſame to be removed as aforeſaid; and if any perſon ſhall neglect to inform the ſaid 44
tappers or examiners, or one of them, where any barrels or caſks of beef or pork belonging to or under his direction are ſtored as above mentioned, or ſhall oppoſe or obſtruct the ſaid tappers in the performance of the duty required of them by this act, ſuch perſon ſhall forfeit the ſum of twenty-five dollars for every ſuch offence; and further, that all pork received and 45
ſtored in the months of June, July, Auguſt and September, ſhall be ſtored not more than three tier high, ſo that the ſaid tappers or examiners may conveniently examine the ſame, under the penalty of ten dollars for every ſuch neglect, and all proviſions removed and examined by virtue of this act ſhall be at the expenſe of the owner or perſon having the care or charge of the ſame; and if, in the opinion of the tappers or examiners, 46
or either of them, any beef or pork ſhall be ſo damaged as to be injurious to the health of the city and its inhabitants, they ſhall cauſe the ſame to be removed and thrown into the eaſt or north river; and that the tappers ſhall have four cents for eve- 47
ry barrel of beef or pork by him examined and tapped.

XXI. *And be it further enacted*, That no owner or dealer in 48
beef and pork ſhall ſuffer the ſame, after inſpected, to be expoſed to the heat of the ſun or inclemency of the weather longer than twelve hours, under the penalty of five dollars for every ſuch offence or neglect.

XXII. *And be it further enacted*, That no beef or pork ſhall be 49
repacked in any place in the city and county of New-York, except in ſuch ſtore or yard to be provided for the purpoſe by the ſaid repackers, according to the directions of this act, under the penalty of twenty dollars for every ſuch offence.

XXIII. *And be it further enacted*, That every of the forfeit- 50
ures and penalties aforeſaid may be recovered, with coſts of ſuit, before any juſtice of the peace, or in any court having cognizance thereof, by any perſon who ſhall ſue and proſecute for the ſame, one moiety of which forfeiture and penalty, when recovered, ſhall be paid to the overſeers of the poor of the city or town where the offence ſhall have been committed, for the uſe of the poor thereof, and the other moiety thereof to ſuch perſon as will ſue for the ſame as aforeſaid.

XXIV. *And be it further enacted*, That nothing in this act 51
contained ſhall be conſtrued to prevent any licenſed butcher to put up beef in barrels or half barrels, tubs or kegs for ſhip ſtores, and in kegs or tubs for exportation: *Provided*, That ſuch beef be put up by the perſon killing the ſame, and that the name of ſuch butcher who ſhall put up the ſame ſhall be branded on the head of each barrel, half barrel, keg or tub, and the weight it contains.

XXV. *And be it further enacted*, That nothing in this act con- 52
tained ſhall be conſtrued to affect or impair the true intent and meaning of the third ſection of the act, entitled "An act ſupplementary to an act, entitled "An act to provide againſt infectious and peſtilential diſeaſes."

53 XXVI. *And be it further enacted*, That from and after the first day of September next, all former laws so far as they respect the inspection and repacking of beef and pork, be and hereby are repealed: *Provided*, That that they shall be considered as in full force with regard to all actions and prosecutions, which may then be depending for any penalty or forfeiture incurred for the breach of the same: *Provided nevertheless*, That nothing herein contained shall prevent the exportation of any beef or pork inspected agreeable to law previous to the first day of September next, any thing in this act to the contrary notwithstanding.

54 XXVII. *And be it further enacted*, That it shall be the duty of the secretary of this state to transmit to the clerk of each county in this state. copies of such laws as shall from time to time be passed relative to the cutting, salting, inspecting and repacking of beef and pork, without fee or reward, immediately after the same are passed, for the use of each of the said inspectors in said counties; and it shall be the duty of the said clerks respectively, to transmit to each of the said inspectors, a copy of the laws so transmitted to them as aforesaid.

Pedlers.

CHAP. XCIX.

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An ACT *to restrain Hawkers, Pedlers and petty Chapmen from selling without Licence in this State.*

Passed April 9th, 1804.

1 I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That from and after the first day of July next, there shall be paid annually into the treasury of this state, by every hawker, pedler and petty chapman, or any other trading person or persons going from place to place, and travelling either on foot, or with a horse or horses or otherwise

within this ſtate, (except as is herein excepted) and carrying to ſell, or expoſing to ſale, any goods, wares or merchandize, of the growth, produce or manufacture of any foreign country, without the limits and juriſdiction of the United States, the following duties, to wit: For every perſon ſo travelling on foot, the ſum of fifty dollars; for every perſon ſo travelling with a ſingle horſe, or other beaſt bearing or drawing a burthen, the ſum of eighty dollars; and for every perſon ſo travelling with a waggon, cart, ſled or other carriage drawn by more than one horſe or beaſt, the ſum of one hundred dollars; and for every perſon conveying goods, wares or merchandizes as aforeſaid, for the purpoſe aforeſaid, in any boat or boats, navigating any of the waters within the bounds of this ſtate, the ſum of eighty dollars.

II. *And be it further enacted*, That every hawker, pedler or 2
petty chapman, ſo travelling as aforeſaid within this ſtate, ſhall take a licence from the ſecretary of this ſtate, and in order thereto, ſhall deliver unto the ſaid ſecretary a note in writing under his or her hand, or under the hand of ſome perſon by him or her authorized in that behalf, how and in what manner, he or ſhe will travel and trade, whether on foot or with one or more horſe or horſes, or other beaſts bearing or drawing burthens, or with any ſort of carriage or boat as aforeſaid, and according to ſuch notification he or ſhe ſhall pay to the treaſurer of this ſtate, the ſum or ſums above mentioned, and upon producing a receipt from the treaſurer, counterſigned by the comptroller for ſuch ſum or ſums, the ſaid ſecretary ſhall iſſue ſuch licence to be ſigned as aforeſaid, to the perſon or perſons making ſuch payment, permitting him or her to travel with his or her wares and merchandizes for ſale, for the term of one year according to ſuch notification, and ſhall renew the ſame yearly in like manner if applied for: And for which licence the perſon or perſons 3
to whom the ſame ſhall be granted, ſhall pay to the ſaid ſecretary for his ſervices the ſum of two dollars and no more, over and above the duties aforeſaid, and which licence ſo obtained and granted ſhall be good and effectual: And the ſaid treaſurer 4
ſhall keep a diſtinct account of the duties received by virtue of this act.

II. *And be it further enacted*, That when and as often as any 5
hawker, pedler or petty chapman, from and after the ſaid firſt day of July next, ſhall be found trading or diſpoſing of goods as aforeſaid, without or contrary to ſuch licence, ſuch perſon ſhall, 6
for every ſuch offence, forfeit and pay the ſum of twenty-five dollars, to be recovered on the complaint of any one who will ſue for the ſame, before any juſtice of the peace within this ſtate in a ſummary way, with coſts of ſuit, one moiety whereof, when recovered, ſhall be paid to the informer, and the other moiety to the overſeers of the poor of the town where ſuch offender ſhall be proſecuted, for the uſe of the poor thereof: And if any offend- 7
er who ſhall be ſo trading, on demand made by any juſtice of the peace, ſheriff, conſtable, or any other perſon within this ſtate, ſhall refuſe to produce or ſhew his or her licence therefor, he or ſhe ſhall forfeit the ſum of ten dollars, to be paid to the over-

ſeers of the poor, where ſuch demand ſhall be made for the uſe of the poor of the town; and on neglect or refuſal to pay the ſame, the juſtice before whom ſuch offender ſhall be convicted, ſhall by warrant under his hand and ſeal commit ſuch offender to the gaol of the county where the offence ſhall be committed for the term of one month.

IV. *And be it further enacted*, That if any perſon or perſons ſhall forge or counterfeit any ſuch licence, or travel with any forged or counterfeited licence for the purpoſe aforeſaid, ſuch perſon ſhall be deemed guilty of forgery, and being convicted thereof, ſhall be puniſhed accordingly.

V. *And be it further enacted*, That if any perſon or perſons ſhall be ſued, moleſted or troubled for putting in execution this act, for doing any matter or thing purſuant thereto, ſuch perſon or perſons ſhall and may plead the general iſſue, and give the ſpecial matter in evidence; and if the plaintiff or plaintiffs ſhall become nonſuit, or diſcontinue his, her, or their action, or if a verdict paſs againſt him, her or them, the defendant ſhall recover treble coſts, for which execution ſhall iſſue as in other caſes where coſts are recovered by defendants.

VI. *And be it further enacted*, That it ſhall be lawful for any perſon to apprehend and detain any ſuch hawker, pedler, or petty chapman, or other trading perſon as aforeſaid, who ſhall be found trading without licence, contrary to the true intent and meaning of this act, and him or her ſo apprehended to carry before any juſtice of the peace of the county or town where ſuch offender ſhall be, which juſtice is hereby authorized and directed, either upon the confeſſion of the party offending, or due proof of one or more credible witneſs or witneſſes upon oath, that the perſon ſo brought before him had ſo traded as aforeſaid, and if no ſuch licence ſhall be produced by ſuch offender, ſuch juſtice ſhall, for every ſuch offence, by warrant under his hand and ſeal, directed to any conſtable of the town wherein ſuch conviction ſhall be had, cauſe the ſum of twenty-five dollars, with coſts, to be forthwith levied by diſtreſs and ſale, at public venduce, of the offender's goods, wares and merchandizes, which coſts, not exceeding five dollars, ſhall be aſcertained and allowed by ſuch juſtice.

And in order to prevent any unneceſſary trouble to any perſon or perſons who ſhall ſuſpect any ſuch hawker, pedler, petty chapman, or other trading perſon, from trading without a licence,

VII. *Be it further enacted*, That upon refuſal of producing ſuch licence to any perſon demanding the ſame, and if it be afterwards produced to the juſtice before whom ſuch offender ſhall be brought, ſuch offender for ſuch refuſal ſhall forfeit and pay to the perſon demanding the ſame, the ſum of five dollars, to be levied and collected, with coſts, in manner aforeſaid: *Provided always*, That all ſuits to be brought for any offence againſt this act ſhall be brought within ſixty days after the offence ſhall be committed.

VIII. *And be it further enacted*, That in all cases of prosecution 14
for any of the offences herein before mentioned, and wherein the defendant shall refuse to shew his licence or to make known his name to such person as will prosecute, previous to the commencement of such action, the plaintiff shall not be liable to pay to such defendant any costs for the misnaming of such defendant; nor shall the said plaintiff, constable, nor the justice before whom any such offender as aforesaid shall have been tried, be liable to any action for falsely imprisoning such defendant as aforesaid.

IX. *And be it further enacted*, That the act, entitled "An 15
act to restrain hawkers and pedlers," passed the fourth day of April, one thousand seven hundred and eighty-five, be and the same is hereby repealed.

Physic.

CHAP. C.

An ACT *to enable William Firby to practice Physic and Surgery.*

Passed April 9th, 1804.

WHEREAS a number of respectable inhabitants of Brookhaven, and other towns in Suffolk county, have prayed that William Firby, of Brookhaven aforesaid, be authorized to practice physic any surgery, he having performed a number of extraordinary cures in the said county, principally of the scorbutic kind, but by his situation is not able to comply with the regulations necessary to obtain a certificate as the law directs: Therefore,

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall be lawful for the first judge of the county of Suffolk, in case it shall appear to his satisfaction, by three reputable physicians practising in the said county, that the said William Firby is capable and qualified to practise physic and surgery, or either of them, to give him a certificate thereof, which certificate being filed in the office of the clerk of the county of Suffolk, shall authorize the said William Firby to practice physic or surgery, or both, as the case may be, in this state, any law to the contrary notwithstanding.

Gaugers.

CHAP. CI.

An ACT *for the Appointment of Gaugers.*

Passed April 9th, 1804.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall be the duty of the person administering the government of this state, by and

with the advice and conſent of the council of appointment, to appoint one or more gaugers in ſuch of the counties of this ſtate, as in their opinion they ſhall from time to time deem neceſſary; and it ſhall be the duty of the ſaid gaugers, upon application made to them or either of them, to gauge all caſks containing molaſſes, and all caſks containing any ſpiritous liquor diſtilled in the county in which they reſide, and to mark the number of gallons contained in ſach caſks, and the name of the county where the ſame has been diſtilled, together with his name on one of the heads of each caſk ſo gauged, and for which ſervices the ſaid gaugers ſhall be paid ſix cents for every caſk ſo by him gauged and marked.

II. *And be it further enacted*, That the ſaid gaugers appointed as aforeſaid, ſhall, before they or either of them enter upon the duties of his or their office, reſpectively take and ſubſcribe an oath before one of the juſtices of the peace of the county where he ſhall reſide, well and faithfully to perform the duties required of him by this act without favor or partiality, and depoſit the ſame in the office of the clerk of the county in which he reſides.

Timber.

CHAP. CIII.

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An ACT *to prevent the Stopping and Embezzling of Timber floating on the Hudson River.*

Paſſed April 9th, 1804.

WHEREAS great loſs is ſuſtained by thoſe engaged in the rafting buſineſs, by evil diſpoſed perſons, in ſtopping, taking up and deſtroying timber afloat in rafts and otherwiſe: For remedy whereof,

I. BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That from and after the twentieth day of April inſtant, if any perſon or perſons ſhall ſtop, take up, draw to or lodge on the ſhore of Hudſon's river, any timber, either round, hewed, ſawed or riven, without the previous conſent of the owner or owners thereof, every perſon offending in the premiſes ſhall, for every ſuch offence, forfeit and pay the ſum of ten dollars, to be recovered in any court having cognizance thereof, by any perſon who ſhall proſecute for the ſame; the one half of which penalty, when recovered, to be paid

to the overſeers of the poor of the city or town where ſuch recovery ſhall be had, for the uſe of the poor thereof, and the other half to the perſon ſuing or proſecuting for the ſame to effect; and all perſons ſo offending ſhall alſo be liable to proſecution by 3
the owner of ſuch timber for his or her damages.

II. *And be it further enacted*, That if any perſon or perſons 4
ſhall cut out, deface or alter any mark, or put a falſe mark on any ſuch timber, either afloat in ſaid river or lying on the bank or ſhore, or on any land where any ſuch timber may have drifted, or ſhall convert any ſuch timber to his, her or their own uſe, not being the owner thereof, every ſuch perſon or perſons is hereby declared guilty of a miſdemeanor, and on conviction thereof before any court having cognizance of the ſame, ſhall pay a fine not exceeding twenty-five dollars, to be paid to the treaſurer of the county where the offence was committed, and 5
applied towards defraying the contingent charges of ſuch county, and all perſons ſo offending ſhall alſo be liable to proſecution by the owner of ſuch timber for his or her damages.

III. *And be it further enacted*, That it ſhall and may be law- 6
ful for the owner or owners of any timber or raft by him or them found on the bank or ſhore of the ſaid river, or any ſtreams or land adjoining thereto, wherever the ſame may have been drifted or carried, to take the ſame away, paying to the owner or poſſeſſor of the land on which the ſame may be found, the amount of damages he, ſhe or they may have ſuſtained by ſuch timber, and the removal of the ſame; but if the parties can- 7
not agree in the amount of ſuch damages, it ſhall be lawful for either party to apply to any two of the neareſt fence viewers in the county where ſuch timber may be found, and not intereſted therein, whoſe duty it ſhall be to determine the ſame at the expenſe of the owner of ſuch timber, whoſe deciſion thereon ſhall be concluſive.

IV. *And be it further enacted*, That when any timber in rafts 8
or otherwiſe, ſhall be lodged on the bank or ſhore on either ſide of Hudſon's river, or on any iſland therein, and if the owner or owners thereof ſhall not, within three months from and after the time ſuch timber ſhall have been ſo lodged, take the ſame away, then it ſhall be the duty of ſuch owner or poſſeſſor of the land on which ſuch timber or raft ſhall be ſo lodged, and he, ſhe or they are hereby required, by a writing under his, her or their hand, to deſcribe ſuch timber or raft, the quantity and mark or marks thereof as near as may be, and lodge the ſame with the clerk of the city or town where the timber or raft may be ſo lodged, which writing ſhall be filed in the office of ſuch clerk for the inſpection of any perſon who may wiſh to ſee the ſame: *Provided nevertheleſs*, That nothing in this act contained ſhall be conſtrued to make the owner of the land on which ſuch timber or raft ſhall be drifted, liable for the value thereof, unleſs the ſame ſhall afterwards be converted or taken by his connivance.

V. *And be it further enacted*, That if no perſon ſhall, within 9
ſix months after ſuch writing ſhall have been ſo filed, claim ſuch

timber or raſt, then and in ſuch caſe it ſhall be the duty of the owner or poſſeſſor, of the land whereon ſuch timber or raſt ſhall be ſo lodged, to inform the clerk of ſuch city or town thereof in writing from under his, her or their hand, and ſuch clerk ſhall cauſe ſuch raſt or timber to be ſold at public vendue, to the higheſt bidder, after giving notice of the time and place of ſuch ſale, by writing under his hand, to be ſet up in three or more of the moſt public places in ſuch city or town, not leſs than twenty-one days previous to ſuch ſale, and one half of the neat proceeds of ſuch timber or rafts ſhall be placed in the treaſury of ſuch county, to be appropriated in diſcharging the contingent charges of ſuch county, and the reſidue thereof to the owner or poſſeſſor of the land on which the ſaid timber or raſt ſhall be lodged as aforeſaid: *Provided however*, That none of the penalties of this act ſhall or may apply to any perſon for taking up or ſtopping and making uſe of all or any ſuch wood as is commonly called drift wood, any thing in this act contained to the contrary notwithſtanding.

VI. *And be it further enacted*, That this act ſhall be and remain in force for two years from the firſt day of May next, and no longer.

Supply Bill.

CHAP. CIX.

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An ACT *for the Payment of certain Officers of Government and for other Purposes.*

Passed April 10th, 1804.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the treasurer of this state shall, on the warrant of the comptroller, on or before the first day of July next, pay to Simeon De Witt, surveyor general of this state, the sum of twelve hundred and fifty dollars, for his services in his said office from the first day of July last, to the first day of July next. 1

II. *And be it further enacted*, That the treasurer shall pay, on the warrant of the comptroller, to such of the clergy as shall have attended the legislature as chaplains, during the present session, the sum of two dollars and fifty cents, for every day they have so attended, which sum shall be certified by the president of the senate, or the speaker of the assembly. 2

III. *And be it further enacted*, That it shall be lawful for the treasurer, on the warrant of the comptroller, to pay to the person administering the government of this state, to defray the incidental expenses which may arise in and about administering the government of this state, such sum or sums of money as he shall require, not exceeding the sum of seven hundred and fifty dollars. 3

IV. *And be it further enacted*, That the treasurer be and he is hereby required to pay to John Barber, printer to this state, such sum or sums of money as shall be certified by the comptroller to be due to him, for printing the laws and journals of the present session of the legislature, at and after the rate of ten dollars per sheet, of every sheet of six hundred copies; and also, for extra printing, at the rate of four dollars for every sheet of one hundred and fifty copies; and that these prices for printing per sheet, for the like number of copies, be paid for the laws, and the journals, and bills of the two houses, until the legislature shall otherwise direct. 4

V. *And be it further enacted*, That the treasurer shall on the warrant of the comptroller, pay to the president of the senate, the speaker of the assembly, and the members and attendant officers of the senate and assembly, the like sums respectively for 5

each day's attendance and travelling, at the preſent ſeſſion, that were allowed to them reſpectively the laſt ſeſſion, together with the additional ſum of two dollars and fifty cents per day to the clerk of the aſſembly, for an aſſiſtant clerk, for and during the preſent ſeſſion.

6 VI. *And be it further enacted*, That the treaſurer, on the warrant of the comptroller, ſhall pay to the meſſenger and door-keeper of the council of reviſion and council of appointment, the like compenſation per day, as is allowed to the door-keeper of the ſenate and aſſembly.

7 VII. *And be it further enacted*, That the treaſurer, ſhall on the warrant of the comptroller, pay to the clerk of the aſſembly the ſum of thirty dollars, for making an index to the journal of the aſſembly of the preſent ſeſſion.

8 VIII. *And be it further enacted*, That the members of the council of appointment ſhall, for their attendance during the receſs of the legiſlature, be entitled to receive the ſame allowance per day, and for travelling, as is allowed to the members of the legiſlature.

9 IX. *And be it further enacted*, That the treaſurer ſhall on the warrant of the comptroller, pay to the clerk of the ſenate the ſum of twenty dollars, for making an index to the journal of the ſenate of the preſent ſeſſion of the legiſlature.

10 X. *And be it further enacted*, That the treaſurer ſhall pay on the warrant of the comptroller, the amount of the rent ſtipulated to be paid for the houſe occupied by his excellency the governor, for the current year and the taxes.

11 XI. *And be it further enacted*, That the committee to examine the accounts of the treaſurer, be ſeverally allowed at and after the rate of three dollars per day, for every day they ſhall be employed in the buſineſs.

12 XII. *And be it further enacted*, That the treaſurer, on the warrant of the comptroller, ſhall pay to the private ſecretary of the perſon adminiſtering the government of this ſtate, the like additional ſum for his ſervices from the firſt day of July laſt, to the firſt day of July next, as was allowed to him the preceding year.

13 XIII. *And be it further enacted*, That from the firſt day of July laſt, to the firſt day of July next, there ſhall be allowed to the ſeveral officers of government, in addition to the annual ſalaries now allowed to them and each of them reſpectively, in and by the act, entitled "An act for the ſupport of government," paſſed April the ſeventh, one thouſand eight hundred and one, the following ſums: To the chancellor, the ſum of five hundred dollars; to the chief juſtice, the ſum of five hundred dollars, and to each of the other juſtices of the ſupreme court the ſum of ſix hundred and twenty-five dollars.

14 XIV. *And be it further enacted*, That the treaſurer of this ſtate ſhall, on the warrant of the comptroller, pay to Anna Bancker the ſum of five hundred and ſixty dollars, and to Henry Eckford and Leſter Beebee the ſum of one hundred and twenty-ſix dollars, in compenſation for two years rent due to them for ground in

the city of New-York, on which fortifications were erected by the committee for fortifying the harbor of New-York, on the fixth day of Auguft, in the year one thoufand feven hundred and ninety-eight.

XV. *And be it further enacted*, That the treafurer of this ftate 15
fhall, on the warrant of the comptroller, pay to the infpectors of the ftate-prifon the fum of four thoufand dollars, for the ufe of the inftitution, and a further fum of two hundred and fourteen dollars and forty-five cents, being the amount certified by the comptroller to have been expended by the faid infpectors in the year one thoufand eight hundred and one, over and above the appropriations of that year.

XVI. *And be it further enacted*, That the treafurer fhall pay 16
Elifha Jenkins, comptroller, the fum of fifty-fix dollars and eleven cents, in full for the poftage of letters relating to the office of comptroller, to the thirty-firft day of March, one thoufand eight hundred and four, and the fum of eleven dollars for repairing the feal-prefs of the comptroller's office.

XVII. *And be it further enacted*, That the treafurer pay to 17
Smith and Boardman, the fum of five dollars for painting tin covering on the roof of the fecretary's office.

XVIII. *And be it further enacted*, That the comptroller be and 18
he is hereby authorized from time to time to caufe fuch repairs to be made to the public building in the city of Albany, as fhall be deemed neceffary for its prefervation, and to draw his warrant on the treafurer for fuch fums as fhall be neceffary to defray the expenfe thereof: *Provided*, the fame fhall not in any one year exceed one hundred dollars.

XIX. *And be it further enacted*, That the treafurer be and he is 19
hereby directed, on the warrant of the comptroller, to pay the amount of the expenfe of making fuch cafes as the fecretary fhall procure for the ufe of his office, in purfuance of the concurrent refolution of the fenate and affembly of the prefent feffion of the legiflature: *Provided*, fuch expenfe fhall not exceed in amount the fum of two hundred and fifty dollars.

XX. *And be it further enacted*, That from and after the paffing 20
of this act, the officer commanding the ftate-prifon guard, fhall be entitled for his fervices, to forty-eight dollars per month, inftead of the compenfation now allowed him in and by the act, entitled "An act relative to the ftate-prifon," paffed the third day of April, one thoufand eight hundred and one.

XXI. *And be it further enacted*, That it fhall be the duty of the 21
commiffary of military ftores, forthwith to fell and difpofe, at the beft price which can be had, for the fortifications now remaining on the lots of Anna Bancker and Henry Eckford and Lefter Beebee, fo that the fame be removed by the firft day of June next.

XXII. *And be it further enacted*, That the loan of three thou- 22
fand dollars to Simeon De Witt, to enable him to complete the map of this ftate, be and the fame is continued to him without intereft, until the firft day of April, in the year of our Lord one thoufand eight hundred and fix.

XXIII. *And be it further enacted*, That the treafurer on the 23

warrant of the comptroller, pay unto I
Hewitt, the ſum of twenty dollars and
tified by the comptroller to be due to the
mortgage of land in Brothertown.

24 XXIV. *And be it further enacted*, Tha
warrant of the comptroller, ſhall pay to
aſſiſtant clerk of the ſenate, the ſame
made to Henry I. Bleecker when aſſiſta
ed from the third of April inſtant, to
ſeſſion.

25 XXV. *And be it further enacted*, Tha
the warrant of the comptroller, pay to
health officer of the city of Albany, the ſ
five dollars, for ſervices performed by h
the laſt ſeaſon.

26 XXVI. *And be it further enacted*, Th
favor of aliens contained in the act, ent
aliens to purchaſe and hold real eſtates
certain reſtrictions therein mentioned,"
day of March, one thouſand eight hur
and hereby are extended to all aliens
this ſtate and become inhabitants there
this act.

27 Whereas it appears by the report o
John Atkinſon has paid fifty-five dolla
taxes aſſeſſed on lands in the town of C
Tioga, of which he was not the owner

XXVII. *Be it further enacted*, That
the warrant of the comptroller, pay to
or his aſſigns, the ſaid ſum of fifty-five d
and that the ſaid tax ſhall remain a li
the ſame manner as other unpaid taxes
the ſaid treaſurer ſhall alſo pay to the ſ
his aſſigns, on the warrant of the compt
of eight dollars and eighty-five cents, fo
number thirty and ſeventy-ſeven, in the
the county of Cayuga, which appears t
by him.

28 XXVIII. *And be it further enacted*, Th
of the ſuperviſors of the counties of Or
now required by law, to meet with the j
at the houſe of Stephen Sloot, in the
Tueſday in October in every year, for th
and examining the mortgages, minutes
loan-officers; that it ſhall in future be la
them to be appointed by the boards of
from each of the ſaid counties, to me
and place, for the purpoſes aforeſaid,
notwithſtanding.

29 XXIX. *And be it further enacted*, Th
pay, on the warrant of the comptroller,
ſecretary of this ſtate, fifty-two dollars

being ſo much paid by him for procuring two copies of the book containing the return of the perſons entitled to military bounty lands, for the uſe of the legiſlature.

XXX. *And be it further enacted*, That whenever the attorney 30
general ſhall cauſe a writ of enquiry to be iſſued out of the court of chancery in caſe of an eſcheat, every ſuch writ may, at the diſcretion of the ſaid attorney general, be directed to the ſheriff of any county in this ſtate, any former law to the contrary thereof notwithſtanding.

XXXI. *And be it further enacted*, That the accounts of perſons 31
ſerving ſubpœnas, and the attendance of witneſſes on behalf of the people of this ſtate, at the execution of any writ of eſcheat, ſhall be audited by the court of exchequer, and paid by the treaſurer, on the warrant of the comptroller.

XXXII. *And be it further enacted*, That whenever the printer 32
to this ſtate ſhall have printed, purſuant to concurrent reſolutions of the ſenate and aſſembly of the fourth of April, one thouſand eight hundred and three, ſeven hundred copies of an additional number of the communications made to the ſociety for the promotion of agriculture, arts and manufactures, and to the ſociety for the promotion of uſeful arts, it ſhall be lawful for the comptroller to draw his warrant on the treaſurer for ſuch ſum as ſhall be due to the ſaid printer for the ſame; and it ſhall be the duty 33
of the ſaid printer to deliver one copy of ſaid publication to each of the preſent members of the legiſlature, and the remainder to the ſaid ſociety for the promotion of uſeful arts.

XXXIII. *And be it further enacted*, That the treaſurer, on 34
the warrant of the comptroller, pay unto the ſurveyor general a ſum not exceeding two hundred dollars, to enable him to lay out into ſtreets and houſe lots for a village, the lands of the people of this ſtate at Black Rock, on the Niagara river, and making a map of the ſame, to be returned to the legiſlature at their next meeting.

Whereas the time limited in and by the act, entitled "An 35
act providing for the erecting certain buildings for the Tuſcorora and Seneca tribes of Indians," for erecting the ſaid buildings has expired: Therefore,

XXXIV. *Be it further enacted*, That the time deſcribed by the ſaid act be extended two years from the paſſing of this act, and that John Tayler be and he is hereby appointed a commiſſioner for the purpoſes mentioned in the ſaid act, in the place of Dirck Ten Broeck, who has removed to the city of New-York.

XXXV. *And be it further enacted*, That the ſum of fifteen 36
hundred dollars be paid out of the monies ariſing from the ſalt ſprings, and the ſame is hereby appropriated for the purpoſe of enlarging and repairing the wharf at Salina; for repairing and improving the road from Salina along the northeaſt ſhore of the lake; for draining ſtagnant waters near the ſalt ſprings, and for clearing the rivers adjacent from logs and other obſtructions.

XXXVI. *And be it further enacted*, That William I. Vredenburgh and Jaſper Hopper be and they are hereby appointed

commiſſioners for the expenditure of the
give bonds to the comptroller in double
the faithful performance of the duties re
act; and their accounts of the expendit
for the purpoſes aforeſaid, ſhall be audit
38 XXXVII. *And be it further enacted*,
laſt ſection of the act, entitled " An act
tain officers of government, and for othe
fifth day of April, one thouſand eight hu
and hereby is repealed.

State-Pris

CHAP. LXX

An ACT *to regulate Labour done*

Pa

I. BE *it enacted by the People of the State*
ed in Senate and Assembly, That fron
of May next it ſhall not be lawful for an
the convicts who ſhall thereafter be comm
than the proportion of one eighth part,
buſineſs of ſhoemaking: *Provided alwa*
ſon ſhall be committed to ſaid priſon, wh
mitment learned ſaid trade, he may be
ſhall not be eſtimated by the inſpectors i
hereby directed: *And provided further*, T
be ſo conſtrued as to prevent the inſp
ſuch and ſo many female convicts as to t
ſhall ſeem proper, at the buſineſs of ſhoe

II. *And be it further enacted*, That thi
tinue in force for the ſpace of four years

Records.

CHAP. CX

An ACT *to direct the Transcribing the Jou*
in mentioned.

Paſ

I. BE *it enacted by the People of the State*
ed in Senate and Assembly, That it
for the perſon adminiſtering the govern
he is hereby directed, as ſoon as may be
act, to cauſe to be tranſcribed in proper b
that purpoſe, the journals and records,
greſs, of the committee of public ſafety,
which formed the conſtitution of this ſta
records, when ſo tranſcribed, ſhall be de
the ſecretary of this ſtate, as part of the

II. *And be it further enacted*, That the comptroller ſhall draw his warrant on the treaſurer for the amount of the expenſe attending the ſame, whenever ſuch tranſcripts ſhall be completed, and the expenſe thereof aſcertained, and certified by the perſon adminiſtering the government of this ſtate.

Relief.

CHAP. VI.

An ACT *for the Relief of the Claimants under John Brown of the State of Rhode-Island deceased, to the Lands therein mentioned.*

Paſſed February 28th, 1804.

BE *it enacted by the People of the State of New-York, repreſented in Senate and Assembly*, That the eſtate, right or title of the heirs and deviſees of John Brown, late of Providence in the ſtate of Rhode-Iſland, merchant, deceaſed, of, in and to all that tract and parcel of land, which by conveyance bearing date the twenty-ninth day of December, in the year of our Lord one thouſand ſeven hundred and ninety-eight, were conveyed by Philip Livingſton of the city of New-York, eſquire, and Cornelia his wife, and Thomas Cooper a maſter in chancery for this ſtate, to the ſaid John Brown, purſuant to a decree of the court of chancery of this ſtate, ſhall not be queſtioned, impeached, defeated, avoided or in any manner affected by reaſon or pretext of the alieniſm of any perſon to whom the ſaid lands may have been conveyed, by any conveyance prior to the ſaid conveyance above mentioned to the ſaid John Brown.

CHAP. XXX.

Contents.

1. Denny, John, land-office directed to grant certain lands to trustees named, for his and family's use---their duty.
2. Unappropriated Lands, &c. a certain proviso in the act relative to, repealed.

An ACT *to amend an Act, entitled "An Act for the Relief of John Pope and others, and for other Purposes."*

Paſſed March 24th, 1804.

WHEREAS in and by an act, entitled "An act for the relief of John Pope and others," the commiſſioners of the land-office were directed to grant letters patent to John Denny for two hundred acres of land: *And whereas*, the ſaid John Denny did never make any application to the commiſſioners of the land-office for the letters patent, by reaſon whereof no eſtate in the ſaid two hundred acres of land ever veſted in the ſaid John Denny: *And whereas*, the ſaid John Denny has prayed, that the letters patent for the ſaid two hundred acres of land, may be granted to ſome perſon or perſons in truſt to ſell and diſpoſe of the ſame, and the money ariſing therefrom to apply to

the ſupport and maintenance of the ſaid John Denny and his family. Therefore,

1 I. BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That it ſhall and may be lawful to and for the commiſſioners of the land-office, and they are hereby directed to grant letters patent for the ſaid two hundred acres of land, in the tract ſet apart for the uſe of the line of the army of this ſtate, to Joſeph C. Yates and Peter R. Ludlow, and their heirs and aſſigns for ever, in truſt, nevertheleſs, to ſell and diſpoſe of, and convey all the ſaid two hundred acres of land, ſo to be granted to them as aforeſaid, to the beſt purchaſer or purchaſers that can be found for the ſame, at private or public ſale, and faithfully to apply the money ariſing or to ariſe by and from ſuch ſale, to the ſupport and maintenance of the ſaid John Denny and his family; and in caſe of the death of the ſaid John Denny, and there ſhould be remaining in the hands of the ſaid truſtees, or either of them, the whole or any part of the money ariſing from the ſale of the two hundred acres of land as aforeſaid, ſuch money ſo remaining ſhall be faithfully applied to the maintenance of the widow, and education and ſupport of the children of the ſaid John Denny.

II. *And be it further enacted*, That the ſaid truſtees, or the ſurvivor of them, ſhall be ſubject to ſuch orders and directions for the more effectually putting this act in execution as ſhall from time to time be made and given by the court of chancery of this ſtate.

III. *And be it further enacted*, That it ſhall and may be lawful to and for the ſaid truſtees by this act named, or the ſurvivor of them, out of the monies which ſhall come to his or their hands by virtue of this act, in the firſt place to pay, retain and diſcharge all ſuch charges and expenſes as they or either of them ſhall be put unto or in any wiſe ſuſtain in the execution of the truſts herein declared, and contained; and alſo to retain after and at the rate of five per centum on the amount of the ſaid purchaſe money, for his and their commiſſions and trouble, in and about the execution of the ſaid truſts; and that neither of the ſaid truſtees, nor the executors or adminiſtrators of either of them, ſhall be anſwerable or accountable for any ſum or ſums of money whatſoever, but ſuch as he ſhall actually receive, and not one of them for the receipts, acts or defaults of the other, but each of them for his own acts, receipts or wilful defaults, and not otherwiſe.

2 IV. *And be it further enacted*, That the proviſo in the tenth ſection of an act, entitled "An act relative to the unappropriated lands of this ſtate, to prevent intruſions, and for other purpoſes," paſſed the fifth day of April, one thouſand eight hundred and two, be and the ſame is hereby repealed.

CHAP. XXXV.

An ACT *for the Relief of Thomas Tillotson.*

Paſſed March 27th, 1804.

I. BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That the further time o

five years be allowed to Thomas Tillotſon for the payment of the balance of ſeven thouſand five hundred dollars due on a loan heretoſore made by the people of this ſtate to James Grier, for which the ſaid Thomas Tillotſon and John Armſtrong are bound, on his, the ſaid Thomas Tillotſon, executing and acknowledging and procuring to be recorded in due form of law, a mortgage to the people of this ſtate, on unincumbered real eſtate within this ſtate, of double the value of the ſaid balance, to the ſatisfaction of the comptroller and attorney general, with a covenant in the ſaid mortgage contained for the payment of intereſt on the ſaid balance, at the rate of ſix per centum per annum, on or before the thirtieth day of May in each year: *Provided*, That the ſaid mortgage ſhall be perfected and delivered to the comptroller by the ſaid Thomas Tillotſon on or before the firſt day of June next.

II. *And be it further enacted*, That upon the ſaid Thomas Tillotſon conforming to the foregoing proviſions, it ſhall be lawful for the comptroller to deliver up the original bond and mortgage for the money loaned to the ſaid James Grier, to be cancelled.

CHAP. XXXVI.

An ACT *to amend the Act, entitled "An Act for the Relief of Solomon Townsend."*

Paſſed March 31ſt, 1804.

WHEREAS the commiſſioners of the land-office were authorized to grant letters patent to Solomon Townſend for a tract of land not exceeding five thouſand acres, in the counties of Orange and Rockland; but on account of ſome late grants, the ſaid five thouſand acres cannot be laid out in one tract as by ſaid act is intended; and it appearing to the legiſlature that the ſame has been laid out and appraiſed in conformity to the directions of ſaid act, in three ſeparate tracts: Therefore,

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That it ſhall and may be lawful for the commiſſioners of the land-office to grant letters patent to the ſaid Solomon Townſend, his heirs and aſſigns, for the ſaid five thouſand acres of land in three different tracts, as the ſame have been ſurveyed, for the ſame conſideration as is directed in and by the act aforeſaid, any thing in the ſaid act hereby amended to the contrary thereof notwithſtanding.

CHAP. XLII.

An ACT *for the Relief of John Henry and Lydia his Wife.*

Passed April 3d, 1804.

BE *it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That all the right and title of the real eſtate of which Abraham Nielſon, late of the city of New-York, deceaſed, died ſeised and poſſeſſed, ſhall be and hereby is veſted in and ſhall belong to, and be enjoyed by his ſiſter Lydia Henry, and her heirs, in like manner as if the ſaid Lydia had been a citizen of the ſaid ſtate, at the time of the death of her ſaid brother.

CHAP. LVII.

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An ACT *for the Relief of the Representatives of James Board and Caleb D. Ferris.*

Passed April 4th, 1804.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall be lawful for the chancellor of this state to appoint two or more trustees, with full power and authority to grant, bargain, sell and convey from time to time, so much of the real estate whereof James Board late of the town of Bloomingrove in the county of Orange deceased, died seised. And likewise to appoint other commissioners to sell and convey in like manner, so much of the real estate whereof Caleb D. Ferris, late of the town of Kortright, in the county of Delaware, deceased, died seised, for the best price which can be had for the same, as the said chancellor shall deem necessary for the maintenance and education of the widows and infant children of the said James Board and Caleb D. Ferris respectively, and to apply the monies arising from such sales for the purposes aforesaid, in such manner as the chancellor shall from time to time order and direct: *Provided always*, That if the said chancellor should deem it most beneficial for the said widows and infant children of the said James Board and Caleb D. Ferris, it shall be lawful for him to order and direct the whole of the said real estate to be disposed of at once by the said trustees, under the restrictions and regulations prescribed by this act.

II. *And be it further enacted*, That the said trustees before they enter on the execution of the said trust, shall give bond to the said widows and infant children of the said James Board and Caleb D. Ferris, in such form, and with such sureties, and in such penalty as the chancellor shall direct for the faithful execution of the said trusts, and to render a just and true account thereof, and to apply and dispose of the monies coming into their hands according to the order and directions of the chancellor, which bond shall be filed in the office of the assistant register of the court of chancery for the use of the said widow and infant children.

III. *And be it further enacted*, That the said widows of James Board and Caleb D. Ferris, before either of them shall be entitled to receive any part of the proceeds of the sales, to be made as aforesaid by the said trustees, shall respectively execute to the purchaser or purchasers, their heirs and assigns, a release of her right of dower in and to the real estate so sold as aforesaid.

IV. *And be it further enacted*, That in case the chancellor shall deem it most beneficial for the said widows and infant children, that the purchase money for the lands to be sold as aforesaid, should be payable by instalments, it shall be lawful for him to direct and authorize the said trustees to take such security for the said purchase money, and to make it payable by such instalments as he shall deem just and reasonable.

V. *And be it further enacted*, That in case the trustees to be appointed as aforesaid, shall die before the execution of the said trusts shall be completed, it shall be lawful for the chancellor to appoint other trustees in their stead who shall in all respects conform to the directions of this act. 7

CHAP. LXIX.

An ACT *for the Relief of Nathan Sage and Peter Colt.*

Passed April 7, 1804.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the treasurer of this state shall, on the warrant of the comptroller, pay unto Nathan Sage and Peter Colt, or their order, the sum of seven hundred and three dollars and seventy-four cents, certified by the comptroller to be due to them on the 11th of February, 1803, as commissioners for opening and improving certain roads mentioned in the act, entitled "An act relative to the unappropriated lands of this state, to prevent intrusions and for other purposes," passed April 5th, 1802, together with one year's interest on the said sum, for monies taken on loan by them, for the payment of their contracts for opening and repairing the said roads.

II. *And be it further enacted*, That the excess of taxes mentioned and appropriated by the said act, for the payment of the said sum of seven hundred and three dollars and seventy-four cents, with the interest due or to accrue thereon, when paid into the treasury, shall be retained for the use of the people of this state.

CHAP. LXXXII.

An ACT *for the Relief of Thomas Douglass.*

Passed April 9, 1804.

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That a conveyance made by Henrietta Maria Colden, to Thomas Douglass, dated the twentieth day of May, in the year one thousand eight hundred, for all that certain tract of land lying and being in the county of Herkimer and state of New-York, beginning at a white pine tree standing on the east bank of Lake Ontario, marked W C M 1796, and running thence along a line of marked trees south, sixty degrees east, two hundred and forty chains to a beach tree marked W C M 1796; thence south along a line of marked trees, two hundred and thirty-two chains, to Scriba's north line; thence north, sixty-nine degrees west, along the said line to the north of great Salmon river, where it enters into lake Ontario; thence northerly, along the lake to the place of beginning; containing four thousand three hundred and forty-eight acres of land more or less, shall in all things be as good and effectual in the law, and have the like operation as if the same had been recorded pursuant to the second section of the act, entitled "An act to enable aliens to purchase and hold real estates within this state," under certain restrictions therein mentioned.

CHAP. CII.

An ACT *for the Relief of the Heirs and Representatives of William Wood and others.*

Passed April 9, 1804.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the estate heretofor-

CHAP. CXIV.

An ACT *for the Relief of Thomas Hughes and others.*

Passed April 11th, 1804.

I. BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall be lawful for the commissioners of the land-office, and they are hereby required to grant to Thomas Hughes, late a soldier during the revolutionary war, in captain Cap's company, in colonel Van Schaick's regiment, in the line of the army of the United States, and his heirs and assigns for ever, by letters patent, two hundred acres of land in the western distric, in a tract set apart for the use of the line of this state, serving in the army of the United States.

II. *And be it further enacted*, That all the right, title and interest of the people of this state, in and to lot number seventy-seven, in the town of Camillus, is hereby granted and confirmed to Sarah Evans, of the county of Tioga, and her heirs and assigns.

III. *And be it further enacted*, That the patent dated the eleventh day of July, one thousand eight hundred, granted by the commissioners of the land-office to Simon Calkins, as one of the Vermont sufferers, shall to all intents and purposes be as valid to the said sufferer, as if said patent had been granted to Simeon Calkins, any law to the contrary notwithstanding.

Pardon.

CHAP. V.

An ACT *to pardon William Conklin, convicted of Murder.*

Passed February 18th, 1804.

WHEREAS William Conklin, at a court of oyer and terminer and gaol delivery, held at Poughkeepsie, in and for the county of Dutchess, in the month of June, in the year of our Lord one thousand eight hundred and three, was convicted of the murder of one Thomas Simonton, and sentenced to be executed on the fourteenth day of July last. And whereas it appears to the legislature by the message of his excellency the governor, that the execution of the said William Conklin hath been respited until the last Friday in February instant: And whereas it also appears to the legislature, by the representation of Chief Justice Lewis who presided at said court, as well as by the petition of the jury who convicted the said William Conklin, as by the petition of a large number of respectable citizens of the said county of Dutchess who were acquainted with the said William Conklin, accompanying the said message, that the said William Conklin is a fit object of mercy: Therefore,

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the said William Conklin be, and hereby is, fully and absolutely pardoned and discharged from the felony and conviction aforesaid, and all execution and forfeiture thereon.

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